TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chap. Sec.

19. Foreign Assistance Program [Repealed. See Chapter 32] 1501
41. Study Commission Relating to Foreign Policy [New] 2821
42. International Economic Policy [New] 2841
43. International Broadcasting [New] 2871
44. Japan-United States Friendship [New] 2901

Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY

§ 99. General duty to account for fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 812 of this title.

Chapter 2.—CONSULAR COURTS

§ 141. Judicial authority generally.

REFERENCES IN TEXT

Sections 701 to 704 of Title 28, referred to in the text of this section in the main volume, were repealed by act June 25, 1948, ch. 646, § 39, 69 Stat. 992, eff. Sept. 1, 1948. The provisions of such sections 701 to 704 are now covered by section 1782 of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159 of this title.

§§ 142, 146, 149, 155, 159, 165, 176 to 178, 181 to 183.

REFERENCES IN TEXT

Sections 701 to 704 of Title 28, referred to in the text of these sections in the main volume, were repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. The provisions of such sections 701 to 704 are now covered by section 1782 of Title 28.

Chapter 4.—PASSPORTS

§ 214. Fees for execution and issuance of passports; persons excused from payment.

There shall be collected and paid into the Treasury of the United States a quarterly fee of $10 for each passport issued and a fee in an amount prescribed by the Secretary of State by regulation for executing each application for a passport. Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceed abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section. (As amended May 14, 1971, Pub. L. 92–14, § 1, 85 Stat. 38; Sept. 17, 1974, Pub. L. 93–417, 88 Stat. 1151.)

AMENDMENTS

1974—Pub. L. 93–417 substituted provisions authorizing the Secretary of State to prescribe fees for execution of applications for passports by regulation for provisions prescribing a fixed fee of $2, substituted "United States Postal Service" for "Postal Service", and struck out references to the fee of $2 in the proviso relating to the rights of the Secretary of State.

1971—Pub. L. 92–14 authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport.

EFFECTIVE AND TERMINATION DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–14, as amended by Pub. L. 93–126, § 8, Oct. 18, 1973, 87 Stat. 453, provided that: "The amendment made by this Act [to this section] shall become effective on the date of enactment [May 14, 1971] and shall continue in effect until June 30, 1974."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214a, 2504 of this title.

Chapter 6.—FOREIGN DIPLOMATIC AND CONSULAR OFFICERS

§ 252. Suits against ministers and their domestics prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 253 of this title.

§ 253. Penalty for wrongful suit.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 254 of this title.

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

Sec.

276a–1. Conference of the Interparliamentary Union; appointment and political affiliation of delegates [New].

INTERNATIONAL BOUNDARY AND WATER COMMISSION

277d–34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation [New].
277d–35. Same; construction, operation, and maintenance of works; property relocation, contracts; transfer of authority [New].
277d–36. Same; sale of excess land [New].
277d–37. Same; channel shifts; boundary determination [New].
277d–38. Same; acquired land, addition to State; State jurisdiction [New].
277d–39. Same; Hidalgo-Reynosa lands; administration; part of national wildlife refuge system [New].
277d–40. Same; authorization of appropriations [New].
277d–41. American-Mexican Boundary Treaty, Presidio flood control project; authorization of flood-control agreement [New].
277d–42. Same; construction, operation, and maintenance of flood control works; authorization of appropriations; restrictions [New].

INTER-AMERICAN DEVELOPMENT BANK

Sec.
283p. Authorization for payment of United States contribution to increase Fund for Special Operations; authorization of appropriations [New].
283q. Articles of agreement; authorization to agree to amendments [New].
283r. Expropriation of United States property; loan restrictions [New].
283s. Illegal drug traffic; loan restrictions [New].

INTERNATIONAL DEVELOPMENT ASSOCIATION

284i. Authorization for payment of United States contribution; authorization of appropriations [New].
284j. Expropriation of United States property; loan restrictions [New].
284k. Illegal drug traffic; loan restrictions [New].
284*l*. Authorization for payment of United States contribution; authorization of appropriation [New].
284m. Development of nuclear explosive devices; loan restrictions [New].

ASIAN DEVELOPMENT BANK

285i. Authorization for payment of United States contribution; United States Special Resources [New].
285j. United States Special Resources; authorized uses; eligible goods and services; repayment in dollars [New].
285k. Utilization of United States Special Resources [New].
285*l*. Letter of credit form for United States Special Resources [New].
285m. Withdrawal rights covering United States Special Resources [New].
285n. Authorization of appropriations to provide United States Special Resources [New].
285o. Expropriation of United States property; loan restrictions [New].
285p. Illegal drug traffic; loan restrictions [New].
285q. Subscription to additional shares; authorization of appropriations [New].
285r. Contribution to special funds; authorization of appropriatons [New].

UNITED NATIONS ORGANIZATION

287e–1. Housing supplement for certain employees assigned to the United States Mission to the United Nations [New].

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

288f–2. Organization of African Unity; extension of privileges, exemptions and immunities [New].
288h. Commission of European Communities; extension of privileges and immunities to members [New].
288i. Liaison Office of People's Republic of China; extension of privileges and immunities to members [New].

WORLD HEALTH ORGANIZATION

290e–1. International Agency for Research on Cancer; authorization of appropriations; limitation [New].

§ 263a. International Criminal Police Organization.

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed $120,000 per annum. (As amended Aug. 10, 1972, Pub. L. 92–380, § 1, 86 Stat. 531; Oct. 24, 1974, Pub. L. 93–468, § 1, 88 Stat. 1422.)

AMENDMENTS

1974—Pub. L. 93–468 substituted "$120,000" for "$80,000".

1972—Pub. L. 92–380 substituted "$80,000" for "$28,500".

§ 269a. Central Bureau of the International Map of the World on the Millionth Scale; appropriations.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 269b. Inter-American Children's Institute; appropriations.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 269f. International Bureau of Intellectual Property; appropriation.

There is hereby authorized to be appropriated to the Department of State (a) the sum of $10,514 for payment by the United States of certain contributions for the support of the International Bureau of Intellectual Property for the period beginning July 1, 1950, and extending through the fiscal year expiring June 30, 1959; and

(b) Such sums as may be required for the payment by the United States of its proportionate share of the expenses of said international bureau as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised, except that in no event shall the payment for any year exceed 4.5 per centum of all expenses of the bureau apportioned among countries for that year. (As amended Pub. L. 92–511, Oct. 20, 1972, 86 Stat. 918.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–511, § 1(1), substituted "International Bureau of Intellectual Property" for "International Bureau for the Protection of Industrial Property".

Subsec. (b). Pub. L. 92–511, § 1(2), substituted provisions authorizing appropriation of sums as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property up to a maximum of 4.5 percent of the total expenses apportioned among member countries, for provisions authorizing appropriation of sums for payment by the United States of its proportionate share not exceeding $15,000 annually.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 269g–1. Same; appropriations.

There are authorized to be appropriated such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year. (As amended Pub. L. 92–497, Oct. 17, 1972, 86 Stat. 814.)

AMENDMENTS

1972—Pub. L. 92–497 substituted provisions authorizing to be appropriated such sums as may be necessary for the payment of the United States of its proportionate share, except that no payment of the United States for any year shall exceed 7 per centum of all expenses apportioned among members for that year, for provisions authorizing to be appropriated such sums as may be necessary, not to exceed $25,000 annually, for the payment by the United States of its proportionate share.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:
1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 269h. International Union for the Publication of Customs Tariffs; annual appropriation for expenses.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:
1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 272a. Same; appropriations.

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization, but not to exceed 25 per centum of such expenses, as apportioned by the International Labour Conference in accordance with article 13 (2) (c) and 13 (3) of the constitution of the Organization; and

(b) such additional sums as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative or representatives and alternates and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; services as authorized by section 3109 of Title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowance to persons temporarily stationed abroad; printing and binding without regard to section 501 of Title 44, and section 5 of Title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287m to 287t of this title shall be applicable to any expenses incurred pursuant to this paragraph. (June 30, 1948, ch. 756, § 2, 62 Stat. 1151; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(e), 64 Stat. 903; June 30, 1958, Pub. L. 85–477, ch. V, § 502(f), 72 Stat. 273.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of Title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:
1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 273. Pan American Institute of Geography and History; annual appropriations for membership.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:
1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 274. International Council of Scientific Unions and Associated Unions; annual appropriations for membership.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101 Aug. 10, 1971, 85 Stat. 247.

§ 275. International Hydrographic Bureau.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101. Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 275a. Permanent International Commission of the Congresses of Navigation; appropriations.

Not to exceed $45,000 annually of the funds appropriated for rivers and harbors shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment in amounts approved by the Chief of Engineers of the expenses of the properly accredited delegates of the United States to the meetings of the congresses and of the Commission. (As amended Mar. 7, 1974, Pub. L. 93–251, title I, § 93, 88 Stat. 39.)

AMENDMENT

1974—Pub. L. 93–251 increased the annual appropriation from $22,000 to $45,000.

§ 276. Bureau of Interparliamentary Union; American group; appropriations; disbursements.

There is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

(1) for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and

(2) to assist in meeting the expenses of the American group for such fiscal year, $45,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group. (As amended Feb. 7, 1972, Pub. L. 92–226, pt. IV, § 404, 86 Stat. 34; Oct. 18, 1973, Pub. L. 93–126, § 3, 87 Stat. 451; Nov. 29, 1975, Pub. L. 94–141, title II, § 204(a), 89 Stat. 762.)

AMENDMENTS

1975—Pub. L. 94–141 designated existing provisions as pars. (1) and (2), and, as so designated, substituted provisions for determining the amount of annual contributions for fiscal year 1976 and subsequent years on a per centum basis for provisions setting forth a specific annual appropriation, and made expense voucher provisions applicable to such par. (2).

1973—Pub. L. 93–126 increased the annual appropriation from $102,000 to $120,000, increasing the annual contribution by the United States from $57,000 to $75,000.

1972—Pub. L. 92–226 increased the annual appropriation from $53,550 to $102,000, increasing the annual contribution by the United States from $26,650 to $57,000 and expense payments from $26,900 to $45,000.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 276a–1. Conference of the Interparliamentary Union; appointment and political affiliation of delegates.

After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party. (June 28, 1935, ch. 322, § 3, as added Nov. 29, 1975, Pub. L. 94–141, title II, § 204(b), 89 Stat. 762.)

§ 276c. Designation of Senate delegates to Conferences of the Interparliamentary Union.

On and after June 30, 1958, Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate. Not less than two Senators so designated shall be members of the Committee on Foreign Relations. (As amended Pub. L. 94–141, title II, § 204(c), Nov. 29, 1975, 89 Stat. 762.)

AMENDMENTS

1975—Pub. L. 94–141 added sentence which provides "Not less than two Senators so designated shall be members of the Committee on Foreign Relations.".

§ 276c–1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional Committees; public inspection.

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies

owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on International Relations of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on International Relations shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on International Relations of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection. (As amended Pub. L. 94–59, title XI, § 1104, July 25, 1975, 89 Stat. 299.)

AMENDMENTS

1975—Pub. L. 94–59 brought the reporting requirements of the section into conformity with other foreign travel expense reporting requirements and into conformity with the rules of the House of Representatives.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

§ 277. International Boundary Commission, United States and Mexico; study of boundary waters.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1189.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 638.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 248.

§ 277d–3. Same; authorization for appropriations; activities for which available; contracts for excess amounts.

There are hereby authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of section 3109 of Title 5, at rates for individuals not in excess of $100 per diem and the United States Commissioner is authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53 of Title 5, and the civil-service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations concerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn, and motor-propelled (including passenger) vehicles and aircraft and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and dam sites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of section 665 of Title 31, and sections 11 and 12 of Title 41, or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress. (Sept. 13, 1950, ch. 948, title I, § 103, 64 Stat. 847, amended Aug. 19, 1964, Pub. L. 88–448, title IV, § 402(a)(29), 78 Stat. 494.)

REFERENCES IN TEXT

The civil-service laws, referred to in the text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

References to "section 3109 of Title 5" and "chapter 51 and subchapter III of chapter 53 of Title 5" were substituted for "Section 15 of the Act of August 2, 1946 (5 U.S.C., sec. 55a)" and "the Classification Act of 1949, as amended", respectively, on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 277d–19. Same; compensation of owners and tenants to prevent economic injury; regulations.

REFERENCES IN TEXT

The civil service laws, referred to in par. b., are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In par. (b), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 277d–24. Same; definitions; exemption from operations of Administrative Procedure Act.

As used in sections 277d–17 to 277d–25 of this title, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of such sections shall be exempt from the operations of subchapter II of chapter 5, and chapter 7, of Title 5. (Pub. L. 88–300, § 8, Apr. 29, 1964, 78 Stat. 186.)

CODIFICATION

Reference to "subchapter II of chapter 5, and chapter 7, of Title 5" was substituted for "the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 277d–28. Same; authorization of appropriations.

There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, not in excess of $300,000 for the initial cost of the work authorized in sections 277d–26 to 277d–28 of this title, and not to exceed $30,000 annually thereafter for necessary maintenance. (As amended Pub. L. 93–126, § 7(b), Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Pub. L. 93–126 substituted "$30,000" for "$20,000".

§ 277d–29. Rio Grande canalization project; flood and sediment control; agreements authorized; control gates; costs; authorization of appropriations.

For the purposes of facilitating and implementing operation and maintenance of the international Rio Grande canalization project, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to enter into agreements with the appropriate official or officials of local organizations, as defined in the Watershed Protection and Flood Prevention Act of August 4, 1954, as amended, for the maintenance by said local organizations either directly or indirectly through mutually satisfactory maintenance agreements with others, including the United States, of all those flood and arroyo sediment control dams, together with all related works, hereafter installed or constructed in the Rio Grande watershed between Caballo Dam and El Paso, Texas, in accordance with said Act, and which are necessary, in the opinion of said Commissioner, to facilitate and implement the operation and maintenance of said project.

Such maintenance agreements between the local organization and the United States shall provide the extent of contribution by the United States as may be mutually agreed by the two parties, based on the degree of benefits to be derived from said dams and related works, and the contribution by the United States may be either in the form of funds or performance of the actual operation and maintenance.

Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

Arrangements made between the United States and the local organizations shall be satisfactory to the Secretary of Agriculture for defraying cost of maintaining such work of improvement in accordance with regulations prescribed by said Secretary.

There is hereby authorized to be appropriated not in excess of $50,000 per annum for contributions to maintenance authorized by this section. (As amended Pub. L. 93–126, § 7(c), Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Pub. L. 26–126 substituted "$50,000" for "$23,000" in the authorization for appropriations to authorized maintenance.

§ 277d–31. Same; authorization of appropriations.

To defray costs that accrue to the United States under the agreement or agreements referred to in section 277d–30 of this title for the construction, operation, and maintenance of drainage conveyance canal projects, there are authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, the following amounts:

(1) Not to exceed $690,000 for costs of construction.

(2) Upon completion of construction, not to exceed $25,000 annually for costs of operation and maintenance. (As amended Pub. L. 93–126, § 7(a), Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Par. (2). Pub. L. 93–126 substituted "$25,000" for "$20,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–30 of this title.

§ 277d–34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation.

In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970 (hereafter in this Act referred to as the "treaty"), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized—

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improve-

ment, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflows; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, as determined have an adverse effect on Mexico, or to compensate Mexico for such damages. (Pub. L. 92–549, title I, § 101, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

"This Act", referred to in the introductory text, means Pub. L. 92–549 which enacted sections 277d–34 to 277d–42 of this title and amended section 1322(b) of Title 19, Customs Duties.

SHORT TITLE

Section 1 of Pub. L. 92–549 provided: "That this Act [which enacted sections 277d–34 to 277d–42 of this title and amended section 1322 of Title 19] may be cited as the 'American-Mexican Boundary Treaty Act of 1972'."

§ 277d–35. Same; construction, operation, and maintenance of works; property relocation, contracts; transfer of authority.

The Commissioner is authorized—

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

(2) to enter into contracts with the owners of properties to be relocated whereby such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

(Pub. L. 92–549, title I, § 102, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

Title I of this Act, referred to in par. (1), means title I of Pub. L. 92–549 which is classified to sections 277d–34 to 277d–40 of this title and amended section 1322(b) of Title 19, Customs Duties.

§ 277d–36. Same; sale of excess land.

Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949. (Pub. L. 92–549, title I, § 103, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 378. Titles I–IV and VI thereof are classified to chapters 10 and 16 of Title 40, Public Buildings, Property, and Works, and, chapter 4 of Title 41, Public Contracts. Provisions of the Act relating to disposal of Government property appear in chapter 10 of Title 40.

§ 277d–37. Same; channel shifts; boundary determination.

When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State shall be final so far as the United States is concerned, and the Commissioner is authorized to conas may be required to give effect to that decision struct or arrange for the construction of such works (Pub. L. 92–549, title I, § 104, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d–38. Same; acquired land, addition to State; State jurisdiction.

Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 277d–39 of this title, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State. (Pub. L. 92–549, title I, § 105, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d–39. Same; Hidalgo-Reynosa lands; administration; part of national wildlife refuge system.

Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, adminstration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by

the Department of the Interior; and the Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system. (Pub. L. 92–549, title I, § 106, Oct. 25, 1972, 86 Stat. 1162.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–38 of this title.

§ 277d–40. Same; authorization of appropriations.

There is authorized to be appropriated to the Department of State for the use of the United States section of the International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act. (Pub. L. 92–549, title I, § 108, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

Title I of this Act, referred to in the text, means title I of Pub. L. 92–549 which is classified to sections 277d–34 to 277d–40 of this title and amended section 1322(b) of Title 19, Customs Duties.

§ 277d–41. American-Mexican Boundary Treaty, Presidio flood control project; authorization of flood-control agreement.

The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley. (Pub. L. 92–549, title II, § 201, Oct. 25, 1972, 86 Stat. 1163.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–42 of this title.

§ 277d–42. Same; construction, operation, and maintenance of flood control works; authorization of appropriations; restrictions.

If an agreement is concluded pursuant to section 277d–41 of this title, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas", prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of section 277d–41 of this title and this section. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States. (Pub. L. 92–549, title II, § 202, Oct. 25, 1972, 86 Stat. 1163.)

GORGAS MEMORIAL LABORATORY

§ 278. Gorgas Memorial Laboratory; location; acceptance of funds from Latin American countries or other sources.

There is hereby authorized to be permanently appropriated for each year, out of any money in the Treasury not otherwise appropriate, the sum of not to exceed $2,000,000 to be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated (hereinafter referred to as the Gorgas Memorial Institute), for the maintenance and operation by it, of a laboratory to be known as the Gorgas Memorial Laboratory, upon condition (1) that the necessary building or quarters for said laboratory shall be constructed within the five years next ensuing after sections 278 to 278b of this title shall become a law, either upon the site offered by the Republic of Panama therefor, at, or adjacent to, the city of Panama, or upon a site in the Canal Zone to be provided by the United States; and (2) that the said Gorgas Memorial Institute be, and it is, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable. (As amended Dec. 30, 1974, Pub. L. 93–559, § 47, 88 Stat. 1816.)

AMENDMENTS

1974—Pub. L. 93–559 substituted "$2,000,000" for "$500,000".

UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

§ 279a. Appropriations for payment of United States expenses in Organization; limitation of contributions.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

SOUTH PACIFIC COMMISSION

§ 280b. Appropriations.

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) such sums as may be required annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, in accordance with article XIV of the agreement establishing the South Pacific Commission, as amended, except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses

apportioned among participating governments of the Commission for that year.

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; personal services in the District of Columbia; services as authorized by section 3109 of Title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of Title 44 and section 5 of Title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287m to 287t of this title shall be applicable to any expenses incurred pursuant to this paragraph. (Jan. 28, 1948, ch. 38, § 3, 62 Stat. 15; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(c), 64 Stat. 902; May 14, 1960, Pub. L. 86-472, ch. VI, § 603, 74 Stat. 141; Jan. 31, 1964, Pub. L. 88-263, 78 Stat. 7; July 27, 1965, Pub. L. 89-91, 79 Stat. 281; Dec. 31, 1970, Pub. L. 91-632, 84 Stat. 1876; Oct. 13, 1972, Pub. L. 92-490, 86 Stat. 808.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of Title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-490 struck out "not to exceed $250,000 per fiscal year" following "annually" and added "except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year" following "as amended".

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262a, 280a of this title.

CARIBBEAN COMMISSION

§ 280i. Appropriations.

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $142,000 annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, pursuant to article XV of the "agreement for the Establishment of the Caribbean Commission"; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, appropriate staff, without regard to the civil-service laws, and chapter 51 and subchapter III of chapter 53 of Title 5; personal services in the District of Columbia; services as authorized by section 3109 of Title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of Title 44, and section 5 of Title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287m to 287t of this title shall be applicable to any expenses incurred pursuant to this paragraph. (Mar. 4, 1948, ch. 97, § 2, 62 Stat. 66; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of Title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

PAN AMERICAN RAILWAY CONGRESS

§ 280k. Appropriations.

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $15,000 annually for the payment by the United States of its proportionate share of the expenses of the Pan American Railway Congress and its Permanent Commission; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities thereof, including expenses of the United States delegates, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; personal services in the District of Columbia; services as authorized by section 3109 of Title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of Title 44, and section 5 of Title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: *Provided,* That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287m to 287t of this title shall be applicable to any expenses incurred pursuant to this subsection.

(June 28, 1948, ch. 686, § 2, 62 Stat. 1060; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Dec. 16, 1970, Pub. L. 91–553, 84 Stat. 1441.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of Title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

INTER-AMERICAN DEVELOPMENT BANK

§ 283. Acceptance of membership by United States in Inter-American Development Bank.

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Inter-American Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

§ 283i. Certain reports required.

The reports of the National Advisory Council on International Monetary and Financial Problems provided for in section 286b(6) of this title (and referred to in section 283b of this title) shall also cover and include the effectiveness of the provisions of section 283h of this title and the exemption for securities issued by the Bank provided by section 24 of Title 12 in facilitating the operations of the Bank and the development of the economic resources of member countries of the Bank and the recommendations of the Council as to any modifications it may deem desirable in the provisions of sections 283 to 283j–1 and 283*l* to 283s of this title. (Pub. L. 86–147, § 12, Aug. 7, 1959, 73 Stat. 301.)

§ 283*o*. Increase in authorized capital stock and additional subscriptions of members thereto; increase in resources of Fund for Special Operations and contributions thereto; United States share; authorization of appropriation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283i of this title.

§ 283p. Authorization for payment of United States contribution to increase Fund for Special Operations; authorization of appropriations.

(a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank. (Pub. L. 86–147, § 19, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283i of this title.

§ 283q. Articles of agreement; authorization to agree to amendments.

The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolutions entitled (a) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to Membership and to

Related Matters" and (b) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to the Election of Executive Directors". (Pub. L. 86–147, § 20, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2831 of this title.

§ 283r. Expropriation of United States property; loan restrictions.

The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law. (Pub. L. 86–147, § 21, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2831 of this title.

§ 283s. Illegal drug traffic; loan restrictions.

The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances. (Pub. L. 86–147, § 22, as added Pub. L. 92–246, § 2, Mar. 10, 1972, 86 Stat. 60.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is classified to section 801 et seq. of Title 21, Food and Drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2831 of this title.

INTERNATIONAL DEVELOPMENT ASSOCIATION

§ 284. Acceptance of membership by United States in International Development Association.

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the International Development Association's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

§ 284i. Authorization for payment of United States contribution; authorization of appropriations.

The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of $320,000,000 each as recommended in the "Report of the Executive Directors to the Board of Governors on Additions to IDA Resources: Third Replenishment," dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of $320,000,000 each for the United States share of the increase in the resources of the Association. (Pub. L. 86–565, § 11, as added Pub. L. 92–247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284j. Expropriation of United States property; loan restrictions.

The President shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law. (Pub. L. 86–565, § 12, as added Pub. L. 92–247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284k. Illegal drug traffic; loan restrictions.

The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances. (Pub. L. 86–565, § 13, as added Pub. L. 92–247, § 2, Mar. 10, 1972, 86 Stat. 61.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is classified to section 801 et seq. of Title 21, Food and Drugs.

§ 284l. Authorization for payment of United States contribution; authorization of appropriation.

(a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury. (Pub. L. 86–565, § 14, as added Pub. L. 93–373, § 1, Aug. 14, 1974, 88 Stat. 445.)

§ 284m. Development of nuclear explosive devices; loan restrictions.

The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483). (Pub. L. 86–565, § 15, as added Pub. L. 93–373, § 3, Aug. 14, 1974, 88 Stat. 445.)

ASIAN DEVELOPMENT BANK

§ 285. Acceptance of membership by United States in Asian Development Bank.

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Asian Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

§ 285i. Authorization for payment of United States contribution; United States Special Resources.

(a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1972. This contribution is referred to hereinafter in this Act as the "United States Special Resources".

(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations. (Pub. L. 89–369, § 12, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 57.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89–369, which is classified to section 285 et seq. of this title.

§ 285j. United States Special Resources; authorized uses; eligible goods and services; repayment in dollars.

(a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

(b) The United States Special Resources shall be used by the Bank only for—

(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

(2) providing technical assistance credits on a reimbursable basis.

(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but

only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars. (Pub. L. 89–369, § 13, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 57.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 285*l* of this title.

§ 285k. Utilization of United States Special Resources.

(a) The letters of credit provided for in section 285*l* of this title shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided. (Pub. L. 89–369, § 14, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285*l*. Letter of credit form for United States Special Resources.

The United States Special Resources will be provided to the Bank in the form of a nonnegotiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 285j(c) of this title. (Pub. L. 89–369, § 15, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 285k of this title.

§ 285m. Withdrawal rights covering United States Special Resources.

The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank. (Pub. L. 89–369, § 16, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285n. Authorization of appropriations to provide United States Special Resources.

For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $100,000,000, all of which shall remain available until expended. (Pub. L. 89–369, § 17, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58, and amended Pub. L. 93–189, § 28, Dec. 17, 1973, 87 Stat. 732.)

AMENDMENTS

1973—Pub. L. 93–189 substituted "$100,000,000" for "$60,000,000 for the fiscal year 1972 and $40,000,000 for the fiscal year 1973".

§ 285*o*. Expropriation of United States property; loan restrictions.

The President shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exaction, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law. (Pub. L. 89–369, § 18, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285p. Illegal drug traffic; loan restrictions.

The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances. (Pub. L. 89–369, § 19, as added Pub. L. 92–245, § 2, Mar. 10, 1972, 86 Stat. 58.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is classified to section 801 et seq. of Title 21, Food and Drugs.

§ 285q. Subscription to additional shares; authorization of appropriations.

(a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to thirty thousand additional shares of the capital stock of the Bank in accordance with and subject to the terms and conditions of Resolution Numbered 46 adopted by the Bank's Board of Governors on November 30, 1971.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $361,904,726 for payment by the Secretary of the Treasury. (Pub. L. 89–369, § 20, as added Pub. L. 93–537, Dec. 22, 1974, 88 Stat. 1735.)

§ 285r. Contribution to special funds; authorization of appropriations.

(a) The United States Governor of the Bank is hereby authorized to agree to contribute on behalf of the United States $50,000,000 to the special funds of the Bank. This contribution shall be made available to the Bank pursuant to the provisions of article 19 of the articles of agreement of the Bank.

(b) In order to pay for the United States contribution to the special funds, there is hereby authorized to be appropriated without fiscal year limitation $50,000,000 for payment by the Secretary of the Treasury. (Pub. L. 89–369, § 21, as added Pub. L. 93–537, Dec. 22, 1974, 88 Stat. 1735.)

INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND DEVELOPMENT

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 286 to 286k–1 are referred to in section 286q of this title.

§ 286. Acceptance of membership by United States in International Monetary Fund.

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the holdings in United States dollars of the International Monetary Fund and of the International Bank for Reconstruction and Development following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriation necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 286b, 286q of this title.

§ 286a. Appointment of governors, executive directors, and alternates; term of office; salary.

* * * * *

(b) The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank. The President, by and with the advice and consent of the Senate, shall appoint an alternate for each of the executive directors. The alternate for each executive director shall be appointed from among individuals recommended to the President by the executive director. The terms of office for alternates for the governor and the executive directors shall be the same as the terms specified in subsection (a) of this section for the governor and executive directors.

* * * * *

(As amended Aug. 15, 1973, Pub. L. 93–94, 87 Stat. 314.)

CODIFICATION

Section was not enacted as a part of the Bretton Woods Agreement Act which comprises sections 286 to 286k–1 of this title.

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–94 substituted "and an alternate for the governor of the Bank" for "who shall also serve as alternate for the governor of the Bank".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 282a, 284a, 286b, 286k–1 of this title.

§ 286b. National Advisory Council on International Monetary and Financial Problems; composition; duties; reports by Council; reports to Council.

EX. ORD. NO. 11269. NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, as amended by Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933; Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563, provided:

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353) [set out in the Appendix to Title 5, Government Organization and Employees], and as President of the United States, it is ordered as follows:

SECTION 1. ESTABLISHMENT OF COUNCIL

(a) There is hereby established the National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: the Secretary of the Treasury, who shall be the chairman of the Council, the Assistant to the President for Economic Affairs, who shall be Deputy Chairman of the Council, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the President of the Export-Import Bank of Washington.

* * * * *

§ 286b–1. Annual report to Congress of National Advisory Council on International Monetary and Financial Policies; contents.

CODIFICATION

Section was not enacted as a part of the "Bretton Woods Agreements Act" which constitutes sections 286 to 286k–1 of this title.

§§ 286e–1a to 286e–1d.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 286b, 286k–1, 286q of this title.

§ 286f. Obtaining and furnishing information to the Fund; penalty for refusal; penalty for unlawful disclosures; definition of person.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1141.

UNITED NATIONS ORGANIZATION

§ 287. Representation in Organization.

UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION

Pub. L. 93–188, Dec. 15, 1973, 87 Stat. 713, provided:

"[Sec. 1. Short Title] That this Act [enacting this note] may be cited as the 'United Nations Environment Program Participation Act of 1973'.

"Sec. 2. [Congressional Declaration of Policy] It is the policy of the United States to participate in coordinated international efforts to solve environmental problems of global and international concern, and in order to assist the implementation of this policy, to contribute funds

to the United Nations Environmental Fund for the support of international measures to protect and improve the environment.

"Sec. 3 [Authorization of Appropriations] There is authorized to be appropriated $40,000,000 for contributions to the United Nations Environment Fund, which amount is authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify: *Provided*, That not more than $10,000,000 may be appropriated for use in fiscal year 1974."

EX. ORD. NO. 10422. LOYALTY PROCEDURES FOR EMPLOYEES

Ex. Ord. No. 10422, Jan. 9, 1953, 18 F.R. 239, as amended by Ex. Ord. No. 10459, June 2, 1953, 18 F.R. 3183; Ex. Ord. No. 10763, Apr. 23, 1958, eff. July 1, 1958, 23 F.R. 2767; Ex. Ord. No. 11890, Dec. 10, 1975, 40 F.R. 57775, provided:

PART I—INVESTIGATION OF UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Civil Service Commission, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the United States Civil Service Commission, which shall conduct an investigation.

3(a) Whenever the Civil Service Commission receives the information forwarded by the Secretary General to the Secretary of State, the Civil Service Commission shall conduct a National Agency Check. Each National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Civil Service Commission files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Civil Service Commission reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Civil Service Commission has not disof the standard set forth in Part II of this order, comof the standard set forth n Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.

* * * * *

PART II—STANDARD

* * * * *

2. Activities and associations of a United States citizen who is an employee or being considered for employment by the United Nations which may be considered in connection with the determination whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States may include one or more of the following:

* * * * *

(f) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group or combination of persons, which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

* * * * *

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287a, 287d–1, 289b of this title.

§§ 287a to 287d.

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 287a to 287d are referred to in sections 287d–1, 289b of this title.

§ 287e. Appropriations; payment of expenses.

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 287 of this title, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 and section 5731 of Title 5, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of Title 5; cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 501 of Title 44; allowances and expenses as provided in section 287r of this title, and allowances and expenses equivalent to those provided in section 1131(3) of this title; the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representative of the United States to the United Nations referred to in subsection (a) of section 287 of this title, the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to section 679 of Title 31, and unusual expenses similar to those authorized by section 5913 of Title 5, incident to the operation and maintenance of such living quarters; and such other expenses as may be authorized by

the Secretary of State; all without regard to section 5 of Title 41. (Dec. 20, 1945, ch. 583, § 8, formerly § 7, 59 Stat. 621, renumbered and amended Oct. 10, 1949, ch. 660, § 6, 63, Stat. 736; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 6, 1960, Pub. L. 86–707, title III, § 311(b), 74 Stat. 797.)

REFERENCES IN TEXT

"Article 17 of the Charter", referred to in the text, is article 17 of the United Nations Charter.

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In the text, "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Subchapter I of chapter 57 and section 5731 of Title 5" was substituted for "the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended [5 U.S.C. 73b]" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 5912 of Title 5" and "section 5913 of Title 5" were substituted for "the Act approved June 26, 1930 (5 U.S.C. 118a)" and "section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act [5 U.S.C. 3039]", respectively, on the authority cited above.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

LIMIT ON PAYMENTS TO UNITED NATIONS AND AFFILIATED AGENCIES

Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110, as amended by Pub. L. 94–141, title II, § 203, Nov. 29, 1975, 89 Stat. 762, provided that: "After December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization. Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33⅓ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements."

UNITED STATES ASSESSED CONTRIBUTION TO THE UNITED NATIONS

Pub. L. 92–226, pt. IV, § 410, Feb. 7, 1972, 86 Stat. 36, provided that: "The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the 'Lodge Commission') which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year."

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287d–1, 289b of this title.

§ 287e–1. Housing supplement for certain employees assigned to the United States Mission to the United Nations.

The President may, under such regulations as he shall prescribe, and notwithstanding section 529 of Title 31 and section 5536 of Title 5,

(1) grant any employee of the staff of the United States Mission to the United Nations designated by the Secretary of State who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses incurred by typical, permanent residents of the Metropolitan New York, New York, area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent area; and

(2) provide such allowance as the President considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

Not more than forty-five employees shall be receiving an allowance under paragraph (1) of this section at any one time. (Dec. 20, 1945, ch. 583, § 9, as added Oct. 18, 1973, Pub. L. 93–126, § 15, 87 Stat. 454.)

§ 287g. Authorization of appropriations for loan to United Nations; restrictions on use of proceeds of loan.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2871 of this title.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 287m to 287t are referred to in sections 272a, 280b, 2801, 280k, 280t of this title.

§ 287o. National Commission on Educational, Scientific, and Cultural Cooperation; membership; meetings; expenses.

In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall cause to be organized a National Commission on Educational, Scientific, and Cultural Corporation [1] of not

[1] So in original. Probably should be "Cooperation".

to exceed one hundred members. Such Commission shall be appointed by the Secretary of State and shall consist of (a) not more than sixty representatives of principal national, voluntary organizations interested in educational, scientific, and cultural matters; and (b) not more than forty outstanding persons selected by the Secretary of State, including not more than ten persons holding office under or employed by the Government of the United States, not more than fifteen representatives of the educational, scientific, and cultural interests of State and local governments, and not more than fifteen persons chosen at large. The Secretary of State is authorized to name in the first instance fifty of the principal national voluntary organizations, each of which shall be invited to designate one representative for appointment to the National Commission. Thereafter, the National Commission shall periodically review and, if deemed advisable, revise the list of such organizations designating representatives in order to achieve a desirable rotation among organizations represented. To constitute the initial Commission, one-third of the members shall be appointed to serve for a term of one year, one-third for a term of two years, and one-third or the remainder thereof for a term of three years; from thence on following, all members shall be appointed for a term of three years each, but no member shall serve more than two consecutive terms. The National Commission shall meet at least once annually. The National Commission shall designate from among its members an executive committee, and may designate such other committees as may prove necessary, to consult with the Department of State and to perform such other functions as the National Commission shall delegate to them. No member of the National Commission shall be allowed any salary or other compensation for services: *Provided, however,* That he may be paid transportation and other expenses as authorized by section 5703 of Title 5. (July 30, 1946, ch. 700, § 3, 60 Stat. 713, amended Aug. 14, 1961, Pub. L. 87–139, § 9, 75 Stat. 341.)

CODIFICATION

"Section 5703 of Title 5" was substituted for "section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 287q. Same; general and special conferences; expenses; acceptance of services and gifts or bequests of money or materials.

The National Commission shall call general conferences for the discussion of matters relating to the activities of the Organization, to which conferences organized bodies actively interested in such matters shall be invited to send representatives: *Provided, however,* That the travel and maintenance of such representation shall be without expense to the Government. Such general conferences shall be held annually or biennially, as the National Commission may determine, and in such places as it may designate. They shall be attended so far as possible by the members of the National Commission and by the delegates of the United States to the General Conference of the Organization. The National Commission is further authorized to call special conferences of experts for the consideration of specific matters relating to the Organization by persons of specialized competences. The Department of State may pay their transportation and other expenses as authorized by section 5703 of Title 5, for the period of actual attendance and of necessary travel. The National Commission is further authorized to receive and accept services and gifts or bequests of money or materials to carry out any of the educational, scientific, or cultural purposes of the National Commission as set forth in sections 287m to 287t of this title and in the constitution of the Organization. Any money so received shall be held by the Secretary of State and shall be subject to disbursement through the disbursement facilities of the Treasury Department as the terms of the gift or bequest may require and shall remain available for expenditure by grant or otherwise until expended: *Provided,* That no such gift or bequest may be accepted or disbursed if the terms thereof are inconsistent with the purposes of the National Commission as set forth in sections 287m to 287t of this title and in the constitution of the Organization. In no event shall the National Commission accept gifts or bequests in excess of $200,000 in the aggregate in any one year. Gifts or bequests provided for herein shall, for the purposes of Federal income, estate, and gift taxes, be deemed to be a gift to or for the United States. The National Commission and Secretary of State shall submit to Congress annual reports of receipts and expenditures of funds and bequests received and disbursed pursuant to the provisions of this section. (July 30, 1946, ch. 700, § 5, 60 Stat. 713, amended June 30, 1958, Pub. L. 85–477, ch. V, § 502(e), 72 Stat. 273; Aug. 14, 1961, Pub. L. 87–139, § 10, 75 Stat. 341.)

CODIFICATION

"Section 5703 of Title 5" was substituted for "section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 287r. Appropriations; payment of expenses.

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the General Conference of the Organization in accordance with article IX of the constitution of the Organization, and such additional sums as may be necessary to pay the expenses of participation by the United States in the activities of the Organization, including: (a) salaries of the representatives provided for in section 287n of this title, of their appropriate staffs, and of members of the secretariat of the National Commission provided for in section 287o of this title, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; (b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and section 5731 of Title 5, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of

United States representatives and other personnel in going to and returning from their post of duty; (c) allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of Title 5; (d) cost of living allowances under such rules and regulations as the Secretary of State may prescribe, including allowances to persons temporarily stationed abroad; (e) communication services; (f) stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to section 5 of Title 41; (g) local transportation; (h) equipment; (i) transportation of things; (j) rent of offices; (k) printing and binding without regard to section 501 of Title 44 and section 5 of Title 41; (l) official entertainment; (m) stationery; (n) purchase of newspapers, periodicals, books, and documents; and (o) such other expenses as may be authorized by the Secretary of State. (July 30, 1946, ch. 700, § 6, 60 Stat. 714; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in clause (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

The Subsistence Expenses Act of 1926, as amended, referred to in clause (b), was repealed and superseded by the Travel Expense Act of 1949, which is now covered by subchapter I of chapter 57 of Title 5. Section 9(a) of the 1949 Act provided in part: "All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . ."

CODIFICATION

In clause (a), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In clauses (b) and (c), "section 5731 of Title 5" and "section 5912 of Title 5" were substituted for "section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)" and "the Act approved June 26, 1930 (U.S.C., title 5, sec. 118a)", respectively, on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

In clause (k), "section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

ACT REFERRED TO IN OTHER SECTIONS

The International Organization Immunities Act, classified to sections 288 to 288f–2 of this title, is referred to in title 26 section 414; title 29 sections 1002, 1321.

§ 288. Definition of "international organization"; authority of President.

For the purposes of this title, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in said sections. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in said sections (including the amendments made by said sections) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities provided in said sections or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of said sections. (Dec. 29, 1945, ch. 652, title I, § 1, 59 Stat. 669.)

REFERENCES IN TEXT

"This title", referred to in text, is title I of Dec. 29, 1945, ch. 652, 59 Stat. 669, which is classified principally to sections 288 to 288f–2 of this title. Title I of the Act is known as the International Organizations Immunities Act. For complete classification of the Act, see Short Title note set out under this section.

SHORT TITLE

Congress in enacting sections 288 to 288f–2 of this title, sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, Internal Revenue Code, 1939, and section 409 of Title 42, The Public Health and Welfare, provided by section 10 of act Dec. 29, 1945, that they should be popularly known as the "International Organizations Immunities Act".

Sections 116, 1426, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, Internal Revenue Code, 1939, were repealed by section 7851 of Title 26, I. R. C. 1954. For provision deeming a reference in other laws to a provision of I. R. C. 1939, also as a reference to corresponding provision of I. R. C. 1954, see section 7852 (b) of such Title 26. Provisions corresponding to the enumerated sections are as follows:

I. R. C. 1939	*I. R. C. 1954*
116	115, 121 (a) (17), 526, 892, 911, 912, 933, 943.
1426	3121, 7701 (a) (1).
1607	3306, 7701 (a) (1).
1621	3401.
3466	4253, 4292.
3469	4261, 4262, 4291, 4292, 6011 (a), 6065 (a), 6071, 6081 (a), 6091 (b), 6151 (a), 6161 (a).
3475	4271—4273, 4291, 4292, 6011 (a), 6065 (a), 6071, 6081 (a), 6091 (b), 6151 (a), 6161 (a), 7272.
3797	1465, 7701 (a) (1)—(11), (13)—(20), (b), (c).

PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

Ex. Ord. No. 11596, June 5, 1971, 36 F.R. 11079; Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797; Ex. Ord. No. 11760, Jan. 17, 1974, 39 F.R. 2343; Ex. Ord. No. 11767, Feb. 19, 1974, 39 F.R. 6603; Ex. Ord. No. 11866, June 18, 1975, 40 F.R. 26015, designated the following-named international organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organization Immunities Act:

Customs Cooperation Council.

European Space Research Organization (ESRO)

International Telecommunications Satellite Organization (INTELSAT).

Organization of African Unity (OAU)

World Intellectual Property Organization (WIPO)

REVOCATION OF EX. ORD. NOS. 11227, 11277

Ex. Ord. No. 11227, June 2, 1965, 30 F.R. 7369, set out as a note under this section, which designated the Interim Communications Satellite Committee as a public international organization, was revoked by Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797, set out as a note under this section.

Ex. Ord. No. 11277, Apr. 30, 1966, 31 F.R. 6609, set out as a note under this section, which designated the International Telecommunications Satellite Consortium as a public international organization was revoked by Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797, set out as a note under this section.

EXECUTIVE ORDER NO. 11318

Ex. Ord, No. 11318, Dec. 5, 1966, 31 F.R. 15307, as amended by Ex. Ord. No. 11351, May 24, 1967, 32 F.R. 7511, set out as a note under this section, which designated the European Space Research Organization as a public international organization, was superseded by Ex. Ord. No. 11760, Jan. 17, 1974, 39 F.R. 2343, set out as a note under this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288e, 288f of this title; title 8 section 1401; title 18 section 1116; title 42 section 410.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 46–301, 47–1557a of the District of Columbia Code.

§§ 288a to 288f–1.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 26 sections 414, 7701; title 42 section 410.

SECTIONS REFERRED TO IN D.C. CODE

These sections are referred to in section 46–301 of the District of Columbia Code.

§ 288f–2. Organization of African Unity; extension of privileges, exemptions, and immunities.

The provisions of this title may be extended to the Organization of African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation. (Dec. 29, 1945, ch. 652, title I, § 12, as added Nov. 27, 1973, Pub. L. 93–161, 87 Stat. 635.)

REFERENCES IN TEXT

"This title", referred to in text, is title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which is classified principally to sections 288 to 288f–2 of this title. Title I of the Act is known as the International Organizations Immunities Act. For complete classification of the Act, see Short Title note set out under section 288 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 414, 7701; title 42 section 410.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 46–301 of the District of Columbia Code.

§ 288g. Organization of American States; extension of privileges and immunities to members.

Under such terms and conditions as he shall determine, the President is hereby authorized to extend, or to enter into an agreement extending, to the representatives of member states (other than the United States) to the Organization of American States and to permanent observers to the Organization of American States, and to members of the staffs of said representatives and permanent observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States. (As amended Nov. 7, 1973, Pub. L. 93–149, § 1(b), 87 Stat. 560.)

AMENDMENTS

1973—Pub. L. 93–149 substituted provisions extending diplomatic privileges and immunities to representatives of member states to the Organization of American States, to permanent observers to the Organization of American States, and to member of staff of such representatives and permanent observers, for provisions extending such privileges and immunities to representatives of member states on the Council of the Organization of American State and members of their staff.

§ 288h. Commission of European Communities; extension of privileges and immunities to members.

Under such terms and conditions as he shall determine and consonant with the purposes of this section, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. (Pub. L. 92–499, Oct. 18, 1972, 86 Stat. 815.)

EX. ORD. NO. 11689. PRESIDENTIAL EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

Ex. Ord. No. 11689, Dec. 5, 1972, 37 F.R. 25987, provided:

By virtue of the authority vested in me by the Act of October 18, 1972 (Public Law 92–499) [this section], and as President of the United States, I hereby extend to the Mission to the United States of America of the Commission of the European Communities, and to the officers of that Mission assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic missions accredited to the United States and by members of the diplomatic staffs thereof.

RICHARD NIXON.

§ 288i. Liaison Office of the People's Republic of China; extension of privileges and immunities to members.

Under such terms and conditions as he shall determine and consonant with the purposes of this section, the President is authorized to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. (Pub. L. 93–22, Apr. 20, 1973, 87 Stat. 24.)

EX. ORD. NO. 11771. EXTENDING DIPLOMATIC PRIVILEGES AND IMMUNITIES TO THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA IN WASHINGTON, D.C.

Ex. Ord. No. 11771, Mar. 18, 1974, 39 F.R. 10415, provided: By virtue of the authority vested in me by the act of April 20, 1973 (87 Stat. 24; Public Law 93–22) [this section], and as President of the United States, I extend to the Liaison Office of the People's Republic of China in Washington, D.C. and to its members who are duly notified to, and accepted by, the Secretary of State the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by the diplomatic missions accredited to the United States and by members of the staffs thereof. This Executive Order shall be effective as of April 20, 1973.

RICHARD NIXON.

INTERNATIONAL REFUGEE ORGANIZATION

§ 289b. Appropriations; payment of salaries and expenses.

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums, not to exceed $73,325,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of United States contributions to the Organization (consisting of supplies, services, or funds and all necessary expenses related thereto) as determined in accordance with article 10 of the constitution of the Organization; and

(b) such sums, not to exceed $175,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of—

(1) salaries of the representative or representatives and alternates provided for in section 289a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287e of this title and regulations thereunder, applicable to expenses incurred pursuant to sections 287 to 287e of this title shall be applicable to any expenses incurred pursuant to this paragraph.

(July 1, 1947, ch. 185, § 3, 61 Stat. 215; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in the text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 289c of this title.

WORLD HEALTH ORGANIZATION

§ 290b. Appropriations; payment of salaries and expenses.

There are hereby authorized to be appropriated to the Department of State for contribution to the working capital fund of the Organization the sum of $560,000 and as annual appropriations the following:

(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the Health Assembly in accordance with article 56 of the constitution of the Organization, except that payments by the United States for any fiscal year of the Organization after 1958 shall not exceed 33⅓ per centum of the total assessments of active members of the Organization for such fiscal year; and

(b) such additional sums, not to exceed $83,000 for the fiscal year beginning July 1, 1947, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative and alternate provided for in section 290a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of Title 5; services as authorized by section 3109 of Title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost of living allowances to persons temporarily stationed abroad; printing and binding without regard to section 501 of Title 44 and section 5 of Title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287m to 287t of this title shall be applicable to any expenses incurred pursuant to this paragraph.

(June 14, 1948, ch. 469, § 3, 62 Stat. 441; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(d), 64 Stat. 902; Aug. 26, 1954, ch. 937, ch. II, § 419, as added July 8, 1955, ch. 301, § 8(j), 69 Stat. 288.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

CODIFICATION

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of Title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 501 of Title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 290e–1. International Agency for Research on Cancer; authorization of appropriations; limitation.

There are hereby authorized to be appropriated such sums as may be necessary for the annual payment by the United States of its share of the expenses of the International Agency for Research on Cancer as determined in accordance with article VIII of the Statute of the International Agency for Research on Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year. (Pub. L. 92–494, Oct. 14, 1972, 86 Stat. 811.)

INTER-AMERICAN FOUNDATION

§ 290f. Inter-American Foundation.

(a) Establishment.

There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the "Foundation").

(b) Congressional declaration of purpose.

The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation, primarily in cooperation with private, regional, and international organizations, to—

* * * * *

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) Programs and projects to achieve purposes.

The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) Coordination of activities with national and international agencies.

In carrying out its functions under this section, the Foundation shall to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) Powers and functions.

The Foundation, as a corporation—

* * * * *

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ and fix the compensation of not to exceed one hundred persons at any one time;

* * * * *

(9) may accept money, funds, property, and services of every kind by gift, device,[1] bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

* * * * *

(f) Disposal of assets on liquidation.

Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) Board of directors; number, term, and appointment.

The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Four members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for

[1] So in original. Probably should be "devise".

which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

* * * * *

(i) Board; authority.

The Board shall direct the exercise of all the powers of the Foundation.

(j) Rules and regulations; quorum of the Board.

The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) Authority of the Board to appoint committees.

In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(*l*) President of Foundation: appointment and compensation; employment of experts and consultants.

(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of Title 5.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of Title 5.

(m) Establishment of Council; consultation by the Board; reimbursement of expenses of members of the Council.

In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of Title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) Nonprofit nature of the Foundation; conflict of interests.

The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(o) Personnel; service in foreign governments or agencies.

When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) Service of employees of other agencies in the Foundation; rights and privileges.

The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) Establishment of principal and branch offices.

The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.

(r) Exemption from tax.

The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

* * * * *

(t) Application of Government Corporation Control Act.

The Foundation shall be subject to the provisions of the Government Corporation Control Act. (As amended Pub. L. 92–226, pt. IV, § 406(2)–(5), Feb. 7, 1972, 86 Stat. 34.)

AMENDMENTS

1972—Pub. L. 92–226, § 406(3), substituted "Foundation" for "Institute" wherever appearing in subsecs. (b) third and fourth sentences, (c), (d), (e) introductory text, (e)(5), (9), (f), (g), (l), (j), (k), (m)–(r) and (t).

Subsec. (a). Pub. L. 92–226, § 406(2), substituted "Inter-American Foundation" and "Foundation" for "Inter-American Social Development Institute" and "Institute".

Subsec. (e)(4). Pub. L. 92–226, § 406(4), inserted ", including expenses for representation (not to exceed $10,000 in any fiscal year),".

Subsec. (*l*). Pub. L. 92–226, § 406(5), designated existing provisions as par. (1), substituted therein "Foundation" for "Institute" and "President" for "Executive Director" in two instances, and added par. (2).

SHORT TITLE

Pub. L. 91–175, pt. IV, Dec. 30, 1969, 83 Stat. 821, as amended by Pub. L. 92–226, pt. IV, § 406(1), Feb. 7, 1972, 86 Stat. 34, designated Part IV provisions classified to this section as the "Inter-American Foundation Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

Chapter 8.—FOREIGN SERVICE BUILDINGS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 816, 1139 of this title.

§ 291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment.

The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for the use of the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, furnish the officers and employees in the Foreign Service with living quarters, heat, light, and household equipment in Government-owned or rented buildings, at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 5536 of Title 5; and appropriations for "Contingent expenses, foreign missions," and "Contingent expenses, consulates," are made available for such purposes. (Apr. 18, 1930, ch. 184, title I, § 1, 46 Stat. 177.)

CODIFICATION

"Section 5536 of Title 5" was substituted for "section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70; U.S.C., Supp. III, title 5, sec. 70)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 295. Appropriations; Foreign Service Building Fund; expenditures; foreign currencies.

* * * * *

(g) In addition to amounts authorized before June 22, 1973, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $850,000, of which not to exceed $631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed $240,000, of which not to exceed $240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed $682,000, of which not to exceed $204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed $1,243,000, of which not to exceed $985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed $10,433,000, of which not to exceed $2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed $45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed $318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this chapter for fiscal years 1974 and 1975, $48,532,000, of which not to exceed $23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before November 29, 1975, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $865,000 for the fiscal year 1977;

(B) for use in the American Republics, not to exceed $2,450,000 for the fiscal year 1977;

(C) for use in Europe, not to exceed $6,725,000 for fiscal year 1977;

(D) for use in East Asia, not to exceed $875,000 for the fiscal year 1977;

(E) for use in the Near East and South Asia, not to exceed $8,005,000, of which not to exceed $3,985,000 may be appropriated for the fiscal year 1976;

(F) for faciilties for the United States Information Agency, not to exceed $3,745,000, of which not to exceed $2,800,000 may be appropriated for the fiscal year 1976; and

(G) for facilities for agricultural and defense attaché housing, not to exceed $420,000 for the fiscal year 1977; and

(2) for use to carry out the other purposes of this chapter for fiscal years 1976 and 1977, $71,600,000, of which not to exceed $32,840,000 may be appropriated for fiscal year 1976.

(i) (1) Sums appropriated under authority of this chapter shall remain available until expended. To the maximum extent feasible, expenditures under this chapter shall be made out of foreign currencies owned by or owed to the United States.

(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. (As amended June 22, 1973, Pub. L. 93–47, 87 Stat. 98; Apr. 12, 1974, Pub. L. 93–263, 88 Stat. 83; Nov. 29, 1975, Pub. L. 94–141, title I, § 171, 89 Stat. 760.)

AMENDMENTS

1975—Subsec. (g)(1). Pub. L. 94–141, § 171(a), substituted "$850,000" for "$2,190,000" in subpar. (A), "$240,000" for "$375,000" in subpar. (B), "$682,000" for "$4,780,000" in subpar. (C), "$1,243,000" for "$2,585,000" in subpar. (D), and "$10,433,000" for "$3,518,000" in subpar. (E).

Subsec. (h). Pub. L. 94–141, § 171(b)(1), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 94–141, § 171(b), redesignated former subsec. (h) as (i), and, as so redesignated, in par. (2) added reference to subsec. (h) of this section.

1974—Subsec. (g)(1). Pub. L. 93–263, § 1(1)–(3), increased appropriations authorization for fiscal year 1974, in subpar. (A) to $631,000 from $590,000, in subpar. (C) to $204,000 from $160,000, and in subpar. (E) to $2,287,000 from $2,218,000.

Subsec. (g)(2). Pub. L. 92–263, § 1(4), increased appropriations authorization for fiscal years 1974 and 1975 to

$48,532,000 from $45,800,000 and increased limitation for fiscal year 1974, to $23,066,000 from $21,700,000.

1973—Subsec. (g). Pub. L. 93–47, § 1(1), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 93–47, § 1 (1), (2), redesignated former subsec. (g) as (h), deleted from par. (2) provision for application of the paragraph beginning with the fiscal year 1966, inserted reference to subsec. (g), and added par. (3), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 295b of this title.

Chapter 9.—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

§ 406. Interference with foreign trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 408, 408a of this title.

§ 462. Compelling foreign vessels to depart.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 465 of this title.

Chapter 10.—HEMISPHERICAL RELATIONS

§ 502. Creation of advisory committees.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 11.—FOREIGN AGENTS AND PROPAGANDA

§ 611. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 613.

Chapter 14.—FOREIGN SERVICE

SUBCHAPTER V.—APPOINTMENTS AND ASSIGNMENTS

PART A.—PRINCIPAL DIPLOMATIC REPRESENTATIVES

Sec.

901a. Campaign contribution report by nominees for ambassador or minister [New].

PART H.—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

966. Assignment to public organizations and Members and offices of Congress [New].
- (a) Number; requirements of assignment; reimbursement.
- (b) Status of officer.
- (c) Continuity of service.
- (d) Definitions.
- (e) Report to Congress by Secretary; contents.
- (f) Eligibility of officer.

SUBCHAPTER VI.—PERSONNEL ADMINISTRATION

PART J.—FOREIGN SERVICE GRIEVANCES [NEW]

1037. Congressional statement of purpose.

1037a. Consideration and resolution of grievances; promulgation of regulations for procedures; criteria.

1037b. Filing of grievance; relationship to other remedies.

1037c. Judicial review of regulations and final actions; jurisdiction.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 285a, 1223, 1230, 1232, 1928, 2024, 2385, 2454, 2504, 2506, 2514, 2582, 2588, 2605, 2684 of this title; title 5 sections 5102, 5304, 5724, 8501; title 42 section 5055.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 801. Congressional declaration of objectives.

EX. ORD. NO. 11636. EMPLOYEE-MANAGEMENT RELATIONS IN THE FOREIGN SERVICE

Ex Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, provided:

WHEREAS, the public interest requires high standards of performance by the members of the Foreign Service of the United States and the continuous development and implementation of modern and progressive work practices to facilitate their improved performance and efficiency; and

WHEREAS, the effective participation by the men and women of the Foreign Service in the formulation of personnel policies and procedures affecting the conditions of their employment is essential to the efficient administration of the Foreign Service and to the well-being of its members; and

WHEREAS, the unique conditions of Foreign Service employment require a distinct framework for the development and implementation of modern, constructive and cooperative relationships between management officials in the foreign affairs agencies and organizations representing Foreign Service employees; and

WHEREAS, subject to law and the paramount requirements of public service, effective employee-management relations within the Foreign Service require a clear statement of the respective rights and obligations of organizations and agency management; and

WHEREAS, the effectiveness of the foreign affairs agencies is well served by measures which stress their essential unity of purpose:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5, United States Code, and section 202 of the Revised Statutes (22 U.S.C. 2656), and as President of the United States, I hereby direct that the following policies shall govern the foreign affairs agencies in all dealings with Foreign Service employees and organizations representing them.

GENERAL PROVISIONS

SECTION 1. *Policy.* (a) Each employee has the right, freely and without fear of penalty or reprisal, to form, join, and assist any organization as defined herein or to refrain from any such activity, and each employee shall be protected in the exercise of this right. Except as otherwise expressly provided in this Order, the right to assist an organization extends to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress, or other appropriate authority. The head of each foreign affairs agency shall take the action required to assure that employees in the agency are apprised of their rights under this section, and that no interference, restraint, coercion, or discrimination is practiced within his agency to encourage or discourage membership in an organization.

(b) Paragraph (a) of this section does not authorize participation in the management of an organization or acting as a representative of an organization by a management official or a confidential employee, or by an employee when the participation or activity would result in a conflict or apparent conflict of interest or otherwise be incompatible with law or with the official duties of the employee.

SEC. 2. *Definitions.* When used in this Order, the term—

(a) "Foreign affairs agency" means the Department of State, the United States Information Agency, the Agency for International Development and its successor agency or agencies;

(b) "Employee" means an officer or employee of the Foreign Service, wherever serving, other than an alien clerk or employee or consular agent, appointed in or assigned to a foreign affairs agency under authority of the Foreign Service Act of 1946, as amended [this chapter]; the Foreign Assistance Act of 1961, as amended [section

2151 et seq. of this title]; or Public Law 90–494 [section 1221 et seq. of this title];

(c) "Management official" means an individual who:

(1) is a chief of mission or principal officer;

(2) is serving in a position in a foreign affairs agency to which he has been appointed by the President, by and with the advice and consent of the Senate, or by the President alone;

(3) occupies a position which in the sole judgment of the head of his foreign affairs agency is of comparable importance;

(4) is serving as a deputy to any of the above; or

(5) is engaged in the administration of this Order or in the formulation of the personnel policies and programs of his agency;

(d) "Confidential employee" means an individual who assists and acts in a confidential capacity to a management official who formulates, determines or effectuates management policies in the field of employee-management relations;

(e) "Agency management" means management officials and confidential employees in a foreign affairs agency;

(f) "Organization" means a lawful organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with agencies concerning grievances, personnel policies and practices, or other matters affecting the working conditions of their members, but does not include an organization which—

(1) consists solely of management officials;

(2) assists or participates in a strike against the Government of the United States or any agency thereof, or imposes a duty or obligation to conduct, assist or participate in such a strike;

(3) advocates the overthrow of the constitutional form of government in the United States; or

(4) discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin.

(g) "Secretary" means the Secretary of State;

(h) "Board" means the Board of the Foreign Service;

(i) "Commission" means the Employee-Management Relations Commission established under section 5 of this Order; and

(j) "Public members" means an individual who is not an employee of the United States Government (other than as a special Government employee) and who is selected to serve on a disputes panel or a grievance panel established under this Order.

SEC. 3. *Application.* (a) This Order applies to all employees except as provided in subsection (b) below.

(b) The head of a foreign affairs agency may, in his sole judgment, suspend temporarily any provision of this Order with respect to any post, bureau, office, or activity, in the United States or abroad, when he determines in writing in emergency situations that this is necessary in the national interest, subject to the conditions he prescribes. Such suspension shall not operate to deny access by an employee to the grievance procedures established under section 10 of this Order.

ADMINISTRATION

SEC. 4. *Board of the Foreign Service.* (a) The Board shall, in accordance with the regulations prescribed by the Secretary under section 16 of this Order:

(1) consider major policy issues arising in the administration of this Order, appeals on substantive aspects of personnel policy or procedure, proposed amendments to this Order and such other matters as it deems appropriate to assure the effectuation of the purposes of this Order;

(2) make recommendations on regulations for the implementation of this Order;

(3) interpret this Order and the regulations of the Secretary, except as provided in section 5; and

(4) perform such additional functions relating to the administration of this Order as the Secretary may from time to time prescribe.

(b) In the performance of its functions under this Order, the Board (including committees and panels thereof) may:

(1) obtain views from interested agencies, organizations and other parties, orally or in writing, as it may deem necessary and appropriate;

(2) receive staff assistance from a secretariat which shall be responsible directly to the Chairman of the Board and otherwise independent of foreign affairs agency management; and

(3) request and use the services and assistance of other agencies in accordance with the Secretary's regulations.

SEC. 5. *Employee-Management Relations Commission.*

(a) There is hereby established, as a committee of the Board, an Employee-Management Relations Commission composed of those Board members or participants representing the Department of Labor, the Civil Service Commission, and the Office of Management and Budget. The representative of the Office of Management and Budget shall be the Chairman of the Commission.

(b) The Commission shall:

(1) decide questions relating to the eligibility of organizations for recognition under this Order;

(2) supervise elections to determine whether an organization should be recognized as the exclusive representative of the employees in a foreign affairs agency, and certify the results;

(3) decide complaints of alleged unfair practices and alleged violations of the standards of conduct for organizations; and

(4) decide questions of whether an obligation to consult exists under section 8 of this Order with respect to particular issues.

(c) In any matter arising under paragraph (b) of this section, the Commission shall have final authority and may require an agency or an organization to cease and desist from a violation of this Order and require it to take such affirmative action as the Commission considers appropriate to effectuate the policies of this Order.

(d) The Commission shall prescribe regulations needed to administer its functions under this section. Substantive regulations of the Commission shall be subject to review by the Board.

SEC. 6. *Disputes Panel.* (a) The Chairman of the Board shall designate a panel which shall assist in resolving disputes arising in the course of consultation under section 8. The panel shall consist of two members of the Foreign Service, neither of whom shall be a management official, a confidential employee or an organization official; one representative of the Department of Labor; one member of the Federal Service Impasses Panel; and one public member. The Chairman of the Board shall designate the Chairman of the panel.

(b) In any case where an appeal is made under section 9, the panel shall make findings of fact and recommendations to the Board for its consideration in deciding the appeal. In the performance of this function, the panel may, in cases it deems appropriate, attempt to mediate disputes and to promote agreements between representatives of foreign affairs agencies and recognized organizations.

RECOGNITION

SEC. 7. *Recognition in General.* (a) An organization seeking recognition shall:

(1) submit to the commission and to the foreign affairs agency concerned copies of its constitution and bylaws, a statement of its objectives and a roster of its officers; and

(2) establish to the satisfaction of the Commission, in its sole discretion, that the organization functions under acceptable democratic and ethical standards and that it meets the other requirements of this Order.

(b) Elections may be held to determine whether—

(1) an organization should be recognized as the exclusive representative of employees in a foreign affairs agency, other than management officials and confidential employees;

(2) an organization should replace another organization as the exclusive representative; or

(3) an organization should cease to be the exclusive representative.

All elections shall be conducted under the supervision of the Commission, or persons designated by the Commission, and shall be by secret ballot. Each employee

eligible to vote shall be provided the opportunity to choose the organization he wishes to represent him from among those on the ballot, or to vote not to have a representative. The results of the election shall be determined on the basis of the majority of valid ballots cast.

(c) A foreign affairs agency shall accord recognition to an organization certified by the Commission following an election as the exclusive representative of the employees in the foreign affairs agency.

(d) An organization which is the exclusive representative of the employees in a foreign affairs agency is entitled to act for all employees in the agency, other than management officials and confidential employees, in collective dealings with agency management as provided for in this Order. It is responsible for representing the interests of all such employees without discrimination and without regard to organization membership.

(e) Nothing in this Order shall:

(1) preclude an employee, regardless of whether he is a member of an organization, from bringing matters of personal concern to the attention of appropriate officials under applicable law, rule, regulations, or established foreign affairs agency policy; or from choosing his own representative in a grievance or other administrative adjudication;

(2) preclude or restrict consultations and dealings between a foreign affairs agency and a veterans' organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude a foreign affairs agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified for recognition, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings under this subparagraph shall be so limited that they do not asume the character of formal consultation on matters of general employee-management policy, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

CONSULTATION AND APPEALS

SEC. 8. *Consultation.* (a) A foreign affairs agency and a recognized organization, through appropriate representatives, shall, to the extent consistent with applicable law and regulations, consult in good faith regularly and prior to the adoption of proposed or revised personnel policies and procedures, including grievance procedures, which affect working conditions of employees. When a personnel policy or procedure is for application jointly to employees in more than one foreign affairs agency, the consultations shall be held jointly between representatives of the foreign affairs agencies involved and representatives of the recognized organizations in those agencies. The results of consultations shall be reduced to writing and signed by the parties.

(b) Foreign affairs agency management shall reserve the right in accordance with applicable law and regulations:

(1) to direct employees of the agencies;

(2) to hire, promote, transfer, assign, and to retain employees in positions within the foreign affairs agencies and to suspend, demote, discharge or take other disciplinary action against employees;

(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the Government operations entrusted to them;

(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

(6) to take whatever actions may be necessary to carry out the missions of the agencies in situations of emergency.

The foregoing rights reserved to foreign affairs agency management shall also be applicable in the administration of agreements reached under paragraph (a) of this section.

(c) The obligation to consult does not include matters with respect to the mission of a foreign affairs agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. Consultations will not extend to foreign policy matters or other substantive responsibilities of the foreign affairs agencies. This paragraph shall not preclude consultation with respect to providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

SEC. 9. *Appeals.* (a) When consultation under section 8 of this Order does not result in agreement with respect to substantive aspects of a personnel policy or procedure, a recognized organization may appeal the management decision on the matter to the Board in writing. The Board will consider on appeal any matter that it determines is substantive in nature. A substantive matter for purposes of this section is a matter that creates, defines or changes rights of employees or organizations or the conditions relating to such rights. In the consideration of such an appeal, the Board will utilize a disputes panel as provided in section 6 of this Order. The decision of the Board shall be eligible to participate in the consideration of an appeal agency concerned.

(b) No member of the Board who is directly responsible for personnel operations in a foreign affairs agency shall be eligible to participate in the consideration of an appeal under this section.

(c) Foreign affairs agency management shall defer or suspend the implementation of a management decision which is appealed under this section during the pendency of the appeal, except to the extent that the head of the foreign affairs determines that immediate implementation of a decision being appealed is required in the national interest.

SEC. 10. *Grievances.* The foreign affairs agencies, after consultation under section 8 with representatives of recognized organizations, shall establish procedures for the fair and impartial resolution of employee grievances. Employee grievances shall include, but shall not be limited to complaints in which an employee has alleged that it is necessary to correct his record in order to remove or prevent an injustice. Such procedures shall include provision for informal steps to resolve grievances directly with management officials as well as formal steps within the agency when grievances are not resolved through informal means. Formal grievances shall be considered and decided by a panel which shall include public membership and which shall be independent of foreign affairs agency management other than the Secretary in the performance of its functions.

SEC. 11. *Periodic Conferral and Review.* (a) In addition to the consultation described in section 8, the Secretary shall, by regulation, establish procedures for reasonable access to the management of foreign affairs agencies by recognized organizations for the purpose of:

(1) exchanging information and offering suggestions relating to the improvement of agency operations and effectiveness and the establishment of administrative policies that will serve the public interest;

(2) discussing the operation of this Order and procedures established thereunder;

(3) considering ways in which relationships between foreign affairs agencies and recognized organizations may be improved and strengthened; and

(4) reviewing together with foreign affairs agencies and recognized organizations annually the relationships established pursuant to this Order in order to assure that their evolution takes into account developments elsewhere in the Federal Government as well as the special needs of the Foreign Service.

Conferral under this section shall not extend to matters excluded from the obligation to consult under section 8(c) of this Order, in the absence of agreement by the parties.

(b) Recommendations by management or organizations following conferral under this section, including recommendations for amendments to this Order, shall be submitted to the Board for its consideration. Based upon the findings of the Board, the Secretary shall, from time to time, make reports and recommendations to the President.

CONDUCT OF ORGANIZATIONS AND MANAGEMENT

SEC. 12. *Standards of Conduct for Organizations.*

(a) In order to be eligible for recognition an organization must be free from corrupt influences and practices and influences opposed to democratic principles. In addition, it must maintain democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards as well as provisions defining and securing the rights of individual members to participation in the affairs of the organization, to fair and equal treatment under the governing rules of the organization and to fair process in disciplinary proceedings.

(b) A recognized organization shall file with the Commission financial and other reports, provide for bonding of officials and employees of the organization and comply with trusteeship and election standards, in accordance with regulations prescribed by the Commission. These regulations shall conform generally to those applicable to unions in the private sector and to labor organizations in the Federal service.

SEC. 13. *Unfair Practices.* (a) Agency management shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of the rights assured by this Order;

(2) encourage or discourage membership in an organization by discrimination in regard to hiring, tenure, promotion, or other conditions of employment;

(3) sponsor, control, or otherwise assist an organization, except that a foreign affairs agency may furnish customary and routine services and facilities when consistent with the best interests of the foreign affairs agency, its employees, and the organization, and when the services and facilities are furnished, if requested, on an impartial basis to organizations having equivalent status;

(4) discipline or otherwise discriminate against an employee because he has filed a complaint or given testimony under this Order;

(5) refuse to accord recognition to an organization qualified for such recognition; or

(6) refuse to consult, or confer, with a recognized organization as required by this Order.

(b) An organization shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of his rights assured by this Order;

(2) attempt to induce foreign affairs agency management to coerce an employee in the exercise of his rights under this Order;

(3) coerce, attempt to coerce, or discipline, fine, or take other economic sanction against a member of the organization as punishment or reprisal for, or for the purpose of hindering or impeding his work performance, his productivity, or the discharge of his duties owed as an officer or employee of the United States;

(4) call or engage in a strike, work stoppage, or slowdown; picket an agency in an employee-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it;

(5) discriminate against an employee with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin; or

(6) refuse to consult, or confer, with a foreign affairs agency as required by this Order.

MISCELLANEOUS PROVISIONS

SEC. 14. *Use of Official Time.* Solicitation of membership or dues, and other internal business of an organization, shall be conducted during the non-duty hours of the employees concerned. The Secretary shall establish by regulation reasonable limitations upon the use of official time for consultation and conferral under this Order.

SEC. 15. *Allotment of Dues.* When a foreign affairs agency and the organization agree in writing, a foreign affairs agency may deduct the regular and periodic dues of an organization recognized under this Order from the pay of members of the organization who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Civil Service Commission, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when the dues withholding agreement between a foreign affairs agency and the organization is terminated or ceases to be applicable to the employee.

SEC. 16. *Regulations.* The Secretary, after consultation with the heads of other foreign affairs agencies and with representatives of organizations and with the advice of the Board, is authorized to prescribe regulations for the implementation of this Order. The Secretary's regulations shall become effective no later than 120 days after the effective date of this Order.

SEC. 17. *Agency Implementation.* No later than 90 days after the effective date of the regulations prescribed under section 16, each foreign affairs agency shall issue appropriate implementing policies and regulations consistent with this Order and the regulations prescribed by the Secretary. Such foreign affairs agency regulations shall include but shall not be limited to a clear statement of the rights of the foreign affairs agency's employees under this Order; procedures with respect to consultation and conferral with organizations; policies with respect to the use of foreign affairs agency facilities by organizations; and policies and practices regarding consultation with other associations and individual employees. The foreign affairs agencies shall consult with representatives of organizations in the formulation of these policies and regulations.

SEC. 18. *Amendments to Executive Orders.* (a) Section 3(b) of Executive Order No. 11491 of October 29, 1969 (34 F.R. 17605), as amended [set out as a note under section 7301 of Title 5, Government Organization and Employees], is hereby further amended by adding a new item (5) as follows:

"(5) The Foreign Service of the United States: Department of State, United States Information Agency and Agency for International Development and its successor agency or agencies."

(b) Section 21 of Executive Order No. 11264 of December 31, 1965 (31 F.R. 2), as amended [set out as a note under section 826 of this title], is hereby further amended as follows:

(1) by revising subsection (d) to read as follows:

"(d) Each member designated pursuant to subsection (b)(1), (b)(2) or (b)(3) above, and each representative designated pursuant to subsection (c) above, shall be chosen from among the officials of the department or agency concerned who are not below the rank of an Assistant Secretary or who are occupying positions of comparable responsibility, except that alternate members and representatives may be designated who do not hold such rank or occupy such positions.";

(2) by adding a new subsection (f) as follows:

"(f) Designation of members pursuant to subsections (b)(1) and (b)(3) shall be made after consultation with organizations recognized as the representatives of Foreign Service employees so that the Secretary and the Director may take into account their views."

SEC. 19. *Effective Date.* This Order shall become effective upon publication in the FEDERAL REGISTER.

RICHARD NIXON.

§ 808. Repealed. Pub. L. 92-310, title II, § 227(c), June 6, 1972, 86 Stat. 207.

Section, act Aug. 13, 1946, c. 957, title X, § 1011, 60 Stat. 1030, related to bonds of officers and employees.

§ 810. Retention of attorneys by Secretary.

The Secretary may, without regard to section 3106 of Title 5, authorize a principal officer to procure legal services whenever such services are required for the protection of the interests of the Government or to enable an officer or employee of the Service to carry on his work efficiently. (Aug. 13, 1946, ch. 957, title X, § 1031, 60 Stat. 1032.)

CODIFICATION

"Section 3106 of Title 5" was substituted for "sections 189 and 365 of the Revised Statutes (5 U.S.C. 49 and

314)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 811a. Administration of Foreign Service; delegation of authority.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

§ 813. Fiscal districts; establishment; district accounting and disbursing offices; personnel; duties.

The President is authorized, whenever the necessity for such offices with a view to effecting economies in accounting procedure is apparent, to prescribe certain fiscal districts or areas and to establish within each such district as a part of the Department of State service, a district accounting and disbursing office to exercise control over the accounts and returns of all diplomatic missions and consular offices within the district in such manner as the President may direct. To each such office may be assigned the administrative accounting responsibility for receipts and expenditures of the diplomatic missions and consular offices within the district. Each district office shall be in charge of an accountable officer, to whom all fees, and other official monies, received by any diplomatic, consular, or Foreign Service officer may be accounted for, under such rules and regulations as may be prescribed by the Secretary of State, all such fees and monies, or the residue thereof after the payment of salaries, allowances, and current expenses of the diplomatic missions and consular offices within the district, to be paid by the district accounting and disbursing officer into the Treasury of the United States. Such district accounting and disbursing officers accountable for public monies may entrust monies to other officers for the purpose of having them make disbursements as his agent, and the officer to whom the monies are entrusted, as well as the officer who entrusts the monies to him, shall be held pecuniarily responsible therefor to the United States. All diplomatic, consular or Foreign Service officers on duty within the area covered by such district offices may be required to render accounts of their disbursements to the officer in charge of such district office to be included in his accounts.

* * * * *

(As amended June 6, 1972, Pub. L. 92–310, title II, § 227(b), 86 Stat. 207.)

AMENDMENT

1972—Pub. L. 92–310 eliminated provisions which required district accounting and disbursing officers and their agents to be bonded.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 814 of this title.

§ 816. Educational facilities for children of employees.

Whenever the Secretary determines that educational facilities are not available, or that existing educational facilities are inadequate, to meet the needs of children of American citizens stationed outside the United States engaged in carrying out Government activities, he is authorized, in such manner as he deems appropriate and under such regulations as he may prescribe, to establish, operate, and maintain primary schools, and school dormitories and related educational facilities for primary and secondary schools, outside the United States, or to make grants of funds for such purposes, or otherwise provide for such educational facilities. The provisions of the Foreign Service Buildings Act, 1926, as amended, and of paragraphs (h) and (i) of section 2670 of this title, may be utilized by the Secretary in providing assistance for education facilities. Assistance may include, but shall not be limited to, hiring, transporting, and payment of teachers and other necessary personnel. (Aug. 13, 1946, ch. 957, title X, § 1081, as added Dec. 16, 1963, Pub. L. 88–205, pt. IV, § 404(d), 77 Stat. 391.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, as amended, referred to in the text, is classified to chapter 8 (§ 291 et seq.) of this title.

SUBCHAPTER II.—GOVERNING BODIES OF THE SERVICE

§ 826. Board of the Foreign Service; composition; duties.

EX. ORD. NO. 11264. BOARD OF THE FOREIGN SERVICE AND BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67 as amended by Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485; Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, provided:

* * * * *

PART II. BOARD OF THE FOREIGN SERVICE

SEC. 21. *Establishment of Board.* (a) * * *

* * * * *

(d) Each member designated pursuant to subsection (b)(1), (b)(2) or (b)(3) above, and each representative designated pursuant to subsection (c) above, shall be chosen from among the officials of the department or agency concerned who are not below the rank of an Assistant Secretary or who are occupying positions of comparable responsibility, except that alternate members and representatives may be designated who do not hold such rank or occupy such positions.

* * * * *

(f) Designation of members pursuant to subsections (b)(1) and (b)(3) shall be made after consultation with organizations recognized as the representatives of Foreign Service employees so that the Secretary and the Director may take into account their views.

* * * * *

SUBCHAPTER IV.—PERSONNEL CATEGORIES AND SALARIES

§ 867. Officers.

REFERENCES IN TEXT

Level IV of the Federal Executive Salary Schedule, referred to in text, is covered by section 5315 of Title 5, Government Organization and Employees.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1975

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Oct. 1, 1975. See Schedule set out below:

	1	2	3	4	5	6	7
SO-1	*$46,045	*$47,580	*$48,654				
SO-2	36,092	37,295	*38,498	*$39,701	*$40,904	*$42,107	*$43,310
SO-3	28,562	29,535	30,488	31,441	32,394	33,347	34,300
SO-4	22,906	23,670	24,434	25,198	25,962	26,726	27,490
SO-5	18,612	19,232	19,852	20,472	21,092	21,712	22,332
SO-6	15,359	15,871	16,383	16,895	17,407	17,919	18,431
SO-7	12,899	13,329	13,759	14,189	14,619	15,049	15,479
SO-8	11,046	11,414	11,782	12,150	12,518	12,886	13,254

*The rate of basic pay for employees at these rates is limited by section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this schedule, $37,800).

EXECUTIVE ORDER No. 11413

Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641, set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1968, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11474

Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605, set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11524

Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, set out in part under this section, which provided for the adjustment of pay rates effective first pay period on or after Dec. 27, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11576

Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11637

Ex. Ord. 11637, Dec. 22, 1971, 36 F.R. 24911, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11691

Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11739

Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11811

Ex. Ord. No. 11811, Oct. 7, 1975, 39 F.R. 3602, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287n, 290a of this title.

§ 870. Staff officers and employees; employees recruited abroad performing duties of routine nature.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1975

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Oct. 1, 1975. See Schedule set out below:

SS-1	$28,582	$29,535	$30,488	$31,441	$32,394	$33,347	$34,300	$35,253	$36,206	$37,159
SS-2	22,906	23,670	24,434	25,198	25,962	26,726	27,490	28,254	29,018	29,782
SS-3	18,612	19,232	19,852	20,472	21,092	21,712	22,332	22,952	23,572	24,192
SS-4	15,359	15,871	16,383	16,895	17,407	17,919	18,431	18,943	19,455	19,967
SS-5	13,770	14,229	14,688	15,147	15,606	16,065	16,524	16,983	17,442	17,901
SS-6	12,345	12,757	13,169	13,581	13,993	14,405	14,817	15,229	15,641	16,053
SS-7	11,068	11,437	11,806	12,175	12,544	12,913	13,282	13,651	14,020	14,389
SS-8	9,923	10,254	10,585	10,916	11,247	11,578	11,909	12,240	12,571	12,902
SS-9	8,896	9,193	9,490	9,787	10,084	10,381	10,678	10,975	11,272	11,569
SS-10	7,976	8,242	8,508	8,774	9,040	9,306	9,572	9,838	10,104	10,370

EXECUTIVE ORDER No. 11413

Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641, set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1968, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11474

Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605, set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11524

Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, set out in part under this section, which provided for the adjustment of pay rates effective first pay period on or after Dec. 27, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11576

Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11637

Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

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EXECUTIVE ORDER NO. 11739

Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11811

Ex. Ord. No. 11811, Oct. 7, 1975, 39 F.R. 3602, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 886. Classification by Secretary of positions in the Service and in the Department.

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Governmental Organization and Employees.

§ 889. Compensation plans for alien employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 946 of this title.

SUBCHAPTER V.—APPOINTMENTS AND ASSIGNMENTS

PART A.—PRINCIPAL DIPLOMATIC REPRESENTATIVES

§ 901. Appointment and assignment by President.

* * * * *

(c) On and after July 13, 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months. (As amended July 13, 1972, Pub. L. 92–352, title I, § 107, 86 Stat. 492.)

AMENDMENTS

1972—Subsec. (c). Pub. L. 92–352 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 861, 1226 of this title.

§ 901a. Campaign contribution report by nominees for ambassador or minister.

From and after October 18, 1973, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. The Chairman of the Committee on Foreign Relations of the Senate shall have printed in the Congressional Record each such report. As used in this section, the term "contribution" has the same meaning given such term by section 431(e) of Title 2, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them. (Pub. L. 93–126, § 6, Oct. 18, 1973, 87 Stat. 452, amended Pub. L. 93–475, § 4(a), Oct. 26, 1974, 88 Stat. 1440.)

CODIFICATION

Section was enacted as part of the Department of State Appropriations Authorization Act of 1973 and not as part of the Foreign Service Act of 1946 which comprises this chapter.

AMENDMENTS

1974—Pub. L. 93–475 added provision that the Chairman of the Committee on Foreign Relations of the Senate shall have the reports printed in the Congressional Record.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 4(b) of Pub. L. 93–475 provided that: "The amendment made by subsection (a) of this section [amending this section] shall only apply with respect to reports filed on and after the date of enactment of this Act [Oct. 26, 1974]."

SHORT TITLE

Section 1 of Pub. L. 93–475 provided: "That this Act [enacting sections 966, 2679a, 2680a, and 2686 of this title, amending this section and sections 1439, 1476, and 2680 of this title, and section 5924 of Title 5, Government Organization and Employees, enacting provisions set out as notes under this section and sections 966, 2151, and 2679a of this title and amending provisions set out as notes preceding section 1 of Appendix to Title 50, War and National Defense] may be cited as the 'State Department/USIA Authorization Act, Fiscal Year 1975'."

Section 1 of Pub. L. 93–126 provided: "That this Act [enacting this section and sections 287e–1, 2655a, and 2685 of this title and amending sections 214 note, 276, 277d–28, 277d–29, 277d–31, 993, 1754, and 2823 of this title, section 194a of Title 2, The Congress, and section 5924 of Title 5, Government Organization and Employees] may be cited as the 'Department of State Appropriations Authorization Act of 1973'."

§ 911. Admission to class 7 or 8.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 912, 1037a of this title.

§ 912. Admission to classes 1 to 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 827, 1226, 1037a of this title.

§ 915. Reappointment or recall of Foreign Service officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is refered to in section 1105 of this title.

§ 928. Reinstatement of Reserve Officers.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

PART H.—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

§ 961. Assignments to any Government agency or international organization; tour of duty; compensation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 962 of this title.

§ 962. Compulsory service in continental United States.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 966 of this title.

§ 966. Assignment to public organizations and Members and offices of Congress.

(a) Number; requirements of assignment; reimbursement.

(1) A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member or office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees.

(b) Status of officer.

A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned.

(c) Continuity of service.

Any period of time that a Foreign Service officer serves on an assignment under this section shall also be considered as a period of time that the officer was assigned for duty in the continental United States for purposes of section 962 of this title.

(d) Definitions.

For the purpose of this section—

(1) "State" means—

(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

(2) "local government" means—

(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

(e) Report to Congress by Secretary; contents.

Not later than six months after November 29, 1975, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.

(f) Eligibility of officer.

The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975. (Aug. 13, 1946, ch. 957, title V, § 576, as added Oct. 26, 1974, Pub. L. 93–475, § 9(a), 88 Stat. 1440, and amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 401(a), 89 Stat. 763.)

CODIFICATION

A prior section 576 of act Aug. 13, 1946, ch. 957, title V, 60 Stat. 1013, which provided for assignments to international organizations, was repealed by Pub. L. 86–723, § 52(3), (4), Sept. 8, 1960, 74 Stat. 847. See section 961 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–141, § 401(a)(1), redesignated subsec. (a) as (a)(1), and, as so redesignated, revised number of Foreign Service officers eligible for assignment, length of service requirements, and scope and limitations of assignments, and added subsec. (a)(2).

Subsec. (b). Pub. L. 94–141, § 401(a)(2) struck out provisions relating to applicability of selecting out process provided for under section 1003 of this title in determining status of officer, and funds from which salaries were to be paid.

Subsecs. (e), (f). Pub. L. 94–141, § 401(a)(3) added subsecs. (e) and (f).

EFFECTIVE DATE

Section 9(b) of Pub. L. 93–475, which provided that this section shall only apply to a Foreign Service officer who has completed eight years of service as such an officer on or after Oct. 26, 1974, was repealed by section 401(b) of Pub. L. 94–141.

SUBCHAPTER VI.—PERSONNEL ADMINISTRATION

PART A.—GENERAL

§ 981. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 932, 987 of this title.

PART C.—PROMOTION OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

§ 991. Promotion of Foreign Service officers by selection; affidavit requirements.

All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe, by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit. The affidavit requirements of sections 3332 and 3333(a) of Title 5 shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service. (As amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 402, 89 Stat. 764.)

AMENDMENTS

1975—Pub. L. 94–141 added provision that affidavit requirements of sections 3332 and 3333(a) of Title 5 shall not apply to a Foreign Service officer who has previously complied with such requirements and is subsequently promoted to a higher class.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1227 of this title.

§ 993. Recommendations for promotion.

(a) Evaluation of performance by selection boards; rank order lists.

The Secretary shall establish, with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers; and upon the basis of their findings, which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class, the Secretary shall make recommendations in accordance with the findings to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years. In special circumstances, however, which shall be set forth by regulations, the Secretary shall have the authority to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names until a subsequent list of nominations is transmitted to the President.

(b) Recommendations of grievance boards or panels or equal employment opportunity appeals examiners.

The Secretary may, pursuant to a recommendation of a duly constituted grievance board or panel or an equal employment opportunity appeals examiner—

(1) recommend to the President the promotion of a Foreign Service officer;

(2) promote Foreign Service Staff personnel and Foreign Service Reserve officers with limited or unlimited tenure; and

(3) grant to Foreign Service personnel additional step increases in salary, within the salary range established for the class in which an officer or employee is serving.

(c) Retroactive promotions; additional increases in salary.

The Secretary may, in special circumstances which shall be set forth in regulations, make retroactive promotions and additional increases in salary within class made or granted under the authority of this section. (As amended Oct. 18, 1973, Pub. L. 93–126, § 10, 87 Stat. 453.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–126 designated existing provisions as subsec. (a) and in subsec. (a) as so designated inserted ", which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class," following "upon the basis of their findings" and "in accordance with the findings" following "the Secretary shall make recommendations", and added authorization for the Secretary to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names for inclusion in a subsequent list.

Subsec. (b), (c). Pub. L. 93–126 added subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1037a, 1227 of this title.

§ 995. Within-class salary increases; computation period; service credit; definition.

(a) Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term "equivalent increase in pay" means—

(1) any increase in basic salary resulting from—

(A) a grade or class promotion,

(B) a regularly scheduled within-grade or within-class step increase, or

(C) a salary adjustment or combination of adjustments—

(i) made since the last equivalent increase in pay,

(ii) resulting from conversion from one pay system to another, and

(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or

(2) such other increases in salary as the Secretary may by regulation designate;

but does not include any general increase in salary granted by law or nay within-grade or within-class increase in salary awarded for meritorious performance.

(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service. (As amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 403, 89 Stat. 764.)

AMENDMENTS

1975—Pub. L. 94–141 redesignated existing provisions as subsecs. (a) and (b), and, as so redesignated, substituted the first day of the first pay period beginning on or after July 1 each year as the period of computation, for the first day of each fiscal year as such period, added provisions authorizing credit for the nine-month period to be given any officer for civilian service with the Government or the government of the District of Columbia, and added definition of term "equivalent increase in pay".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1227, 1233 of this title.

PART D.—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE

§ 1003. Selection-out.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 882, 1004, 1037a, 2385 of this title.

§ 1004. Selection-out benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 930, 1037a, 1104, 1228, 2385 of this title.

§ 1006. Voluntary retirement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1081, 1228, 2385 of this title.

§ 1007. Separation for cause.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1008, 2385 of this title.

§ 1008. Termination of limited appointments of Reserve officers and staff officers and employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

PART J.—FOREIGN SERVICE GRIEVANCES [NEW]

§ 1037. Congressional statement of purpose.

It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors. (Aug. 13, 1946, ch. 957, title VI, § 691, as added Nov. 29, 1975, Pub. L. 94–141, title IV, § 404(a), 89 Stat. 765.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

§ 1037a. Consideration and resolution of grievances; promulgation of regulations for procedures; criteria.

The Secretary shall, consistent with the purposes stated in section 1037 of this title, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

(A) "grievant" shall mean any officer or employee of the Service who is a citizen of the United States; or for purposes of subparagraphs (C) and (D), a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee;

(B) "grievance" shall mean any act or condition subject to the control of the Department of State, United States Information Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 993 of this title or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 911 or 912 of this title, termination of time limited appointments pursuant to section 1008 of this title and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization);

(C) except as provided in paragraph (D), when the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation;

(D) when the grievant is a former officer who was involuntarily retired pursuant to sections 1003 and 1004 of this title within six years prior to November 29, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

(E) "party" shall mean the grievant or the foreign affairs agency having control over the act or condition forming the subject matter of the grievance.

(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States, well-known

for their integrity, who are not active officers, employees or consultants of the foreign affairs agencies (except as members of the Grievance Board established under 3 Foreign Affairs Manual 660) but may be retired officers or employees. The board shall consist of not less than five members including a Chairman. Membership of the board, selection of the Chairman, and terms of the service of the members shall be determined by the foreign affairs agencies and the organization accorded recognition as the exclusive representative of the officers or employees of the Service in accordance with procedures agreed pursuant to paragraph (1). If the agencies and organization do not agree on membership of the board prior to the effective date of this part, the members shall be chosen by elimination, in equal numbers from a list submitted by the agencies and a list submitted by the organization, and the Chairman shall be chosen, by alternate striking by the agencies and the organization, from a separate list obtained from the Federal Mediation and Conciliation Service. Unless otherwise agreed upon, the term of service shall be two years, renewable. All members of the board shall act as impartial individuals in considering grievances. The board may act by or through panels or individual members designated by the Chairman, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Members including the Chairman who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the board (including traveltime) at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of Title 5.

(B) In accordance with this part, the board may adopt regulations concerning the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain facilities, services and supplies through the general administrative services of the Department of State. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. At the request of the board, officers and employees on the rolls of the foreign affairs agencies may be assigned as staff employees for the board. Within the limit of appropriated funds, the board may appoint and fix the compensation of such other employees as the board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the board and the board shall prepare the performance evaluation reports for such officers and employees. The records of the board shall be maintained by the board and shall be separate from all other records of the foreign affairs agencies.

(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is presented within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than two years prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is presented within a period of two years after the effective date of the regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he or she had exercised, as determined by the board, reasonable diligence.

(4) The board shall conduct a hearing, at the request of a grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under section 1003 of this title or which in the judgment of the board can best be resolved by a hearing or by presentation of oral argument. The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of representatives of the foreign affairs agency concerned are entitled to be present at the hearing. The board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given by oath or affirmation, which any board member or person designated by the board shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party, and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board, or upon a request of the grievant deemed relevant and material by the board, the foreign affairs agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the foreign affairs agencies, except that if the board determines that the presence of such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing.

(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding under the regulations adopted pursuant to paragraph (1), shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

(6) In considering the validity of a grievance, the board (except as provided in paragraph (8)) shall have access, to the extent permitted by law, to any agency record considered by the board to be relevant to the grievant and the subject matter of the grievance.

(7) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding. When deemed appropriate by the board, a grievant may be supplied with only a summary or extract of classified material.

(8) Notwithstanding paragraphs (6) and (7), nothing in this chapter shall be construed to require the disclosure of any official agency record to the board or a grievant where the head of agency or his deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

(9) The agencies shall use their best endeavors to expedite security clearances whenever necessary to insure a fair and prompt investigation and hearing.

(10) During any hearings held by the board, any oral or documentary evidence may be received but the board shall exclude any irrelevant, immaterial, or unduly repetitious evidence as determined under section 556 of Title 5. A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings. In those grievances in which the board holds no hearing, the board shall offer to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to its decision. The board decision shall be based exclusively on the record of proceedings.

(11) If the board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance. Other matters not specified in this paragraph may be made subject to suspension of action by the procedures established by agreement under paragraph (1). Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when determined in writing to be essential to the functioning of the post or office to which the employee is assigned.

(12) Upon completion of the hearing or the compilation of such record as the board may find appropriate in the absence of a hearing, the board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the board shall be in writing, shall include findings of fact, and shall include the reasons for the board's decision. The grievant shall have access to the record of proceedings including the decision.

(13) If the board finds that the grievance is meritorious, the board shall have authority, within the limitations of the authority of the head of the agency, to direct the agency (A) to correct any official personnel record relating to the grievant which the board finds to be inaccurate or falsely prejudicial; (B) to reverse an administrative decision denying the grievant compensation or any other perquisite of employment authorized by law or regulation when the board finds that such denial was arbitrary, capricious, or contrary to law or regulation; (C) to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved; (D) to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted; and (E) to take such other remedial action as may be provided in the procedures agreed pursuant to paragraph (1). Such orders of the board shall be final, subject to judicial review as provided in section 1037c of this title, except that reinstatement of former officers who have filed grievances under paragraph (1) (D) shall be presented as board recommendations, the decision on which shall be subject to the sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations, and shall not be reviewable under section 1037c of this title.

(14) If the board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant or to other remedial action not provided in paragraph (13), or if the board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the board's proceedings including the transcript of the hearing if any. The head of the agency (or his designee, who shall not have direct responsibility for administrative management) shall make a written decision on the board's recommendation. A recommendation of the board may be rejected in part or in toto if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the recommendation in part or in toto, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communication concerning the grievance between the agency head (or his designee) and any person involved in the grievance proceeding.

(15) The board shall have authority to insure that no copy of the determination of the agency head or his designee to reject a board recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the grievance board as a remedy for the grievance) or any other officer or employee connected with the grievance. Nothing contained herein shall prevent the agency from maintaining grievance records under appropriate safeguards to preserve confidentiality.

(16) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the board and then only

upon approval of the board. (Aug. 13, 1946, ch. 957, title VI, § 692, as added Nov. 29, 1975, Pub. L. 94–141, title IV, § 404(a), 89 Stat. 765.)

REFERENCES IN TEXT

The effective date of this part, in par. (2)(A), probably means Nov. 29, 1975, the date of enactment of Pub. L. 94–141.

PROMULGATION OF REGULATIONS AND APPOINTMENT OF BOARD

Section 404(b) of Pub. L. 94–141 provided that: "The Secretary of State shall promulgate and place into effect the regulations required by section 692 of the Foreign Service Act of 1946 [this section] (as added by subsection (a) of this section) and shall establish the board and appoint the members of the board provided for by such section 692, not later than one hundred and twenty days after the date of enactment of this Act [Nov. 29, 1975]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037c of this title.

§ 1037b. Filing of grievance; relationship to other remedies.

(a) A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved, and relief provided, under a provision of law, regulation, or Executive order (other than under this part) and the matter has been carried to final decision thereunder on its merits or is still under consideration.

(b) If a grievant is not prohibited from filing a grievance under this part by subsection (a) of this section, he may file a grievance within the jurisdiction of the board under this part notwithstanding the fact that such grievance may be eligible for consideration, resolution, and relief under a regulation or Executive order other than under this part, but such election of remedies shall be final upon the acceptance of jurisdiction by the board. (Aug. 13, 1946, ch. 957, title VI, § 693, as added Nov. 29, 1975, Pub. L. 94–141, title IV, § 404(a), 89 Stat. 770.)

§ 1037c. Judicial review of regulations and final actions; jurisdiction.

Notwithstanding any other provision of law, any aggrieved party may obtain judicial review of regulations promulgated by the Secretary under section 1037a of this title, revisions of such regulations, and final actions of the agency head or the board pursuant to such section, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of Title 5. Section 706 of Title 5 shall apply without limitation or exception. (Aug. 13, 1946, ch. 957, title VI, § 694, as added Nov. 29, 1975, Pub. L. 94–141, title IV, § 404(a), 89 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

SUBCHAPTER VII.—THE FOREIGN SERVICE INSTITUTE

§ 1044. Appointment, assignment, and detail of personnel; incentives for acquisition of special abilities.

CODIFICATION

In subsecs. (a) and (e), "chapter 51 and subchapter III of chapter 53 of Title 5" was substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SUBCHAPTER VIII.—RETIREMENT AND DISABILITY SYSTEM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 961, 1229, 2385 of this title.

§ 1071. Rate of contribution; deductions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1111, 2385 of this title.

§ 1076. Rate of annuity; election; survivor's annuity; conditions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1002, 1091, 2385 of this title.

§ 1077. Increase of annuities of annuitants retired prior to November 13, 1950.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1078, 1079b of this title.

§ 1078. Increase of annuities of survivor annuitants of persons retired prior to November 13, 1950.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1079b of this title.

§ 1079d. Grants to needy ineligible widows.

In any case where a participant under the Foreign Service Retirement and Disability System died before August 29, 1954, leaving a widow who is not entitled to receive an annuity under the System and who is not receiving benefits as a widow under subchapter I of chapter 81 of Title 5, the Secretary of State is authorized and directed to grant such widow an annuity of $2,400 per annum. (May 1, 1956, ch. 229, § 5, 70 Stat. 125, amended July 12, 1960, Pub. L. 86–612, § 2(a), 74 Stat. 371.)

CODIFICATION

"Subchapter I of chapter 81 of Title 5" was substituted for "the Federal Employees' Compensation Act" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1064 of this title.

§§ 1079g to 1079j.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1079k of this title.

§ 1079k. Restriction on increases under sections 1079g to 1079k.

No annuity of a retired officer shall be increased under any of sections 1079g to 1070k of this title in an amount in excess of $500 per annum. No annuity of a survivor annuitant shall be increased under any of sections 1079g to 1079k of this title in an amount in excess of $250 per annum. (Pub. L. 85–882, § 5, Sept. 2, 1958, 72 Stat. 1705.)

§ 1079o. Benefit of surviving widow of annuitant who retired before October 16, 1960, and who dies before October 31, 1965.

In any case in which an annuitant who retired prior to October 16, 1960, dies before October 31, 1965, leaving a widow to whom he was married at time of retirement who is not entitled to receive an annuity under the Foreign Service retirement and

disability system, and who is not receiving benefits as a widow under subchapter I of chapter 81 of Title 5, the Secretary of State shall grant such widow, whether remarried or not, an annuity of $2,400 per annum. (Pub. L. 89–308, § 4, Oct. 31, 1965, 79 Stat. 1130.)

CODIFICATION

"Subchapter I of chapter 81 of Title 5" was substituted for "the Federal Employees' Compensation Act" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1081. Retirement due to disability or incapacity; physical examination; reinstatement or reappointment upon recovery; duration and suspension of payments; benefits upon discontinuance of annuity; election of benefits; concurrent benefits; reimbursement of Compensation Fund.

* * * * *

(d) No participant shall be entitled to receive an annuity under this chapter and compensation for injury or disability to himself under subchapter I of chapter 81 of Title 5, covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either chapter or subchapter for any part of the same period of time. Neither this provision nor any provision of subchapter I of chapter 81 of Title 5, shall be so construed as to deny the right of any person to receive an annuity under this chapter by reason of his own services and to receive concurrently any payment under such subchapter by reason of the death of any other person.

(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this chapter shall not be affected because such person has received an award of compensation in a lump sum under section 8135 of Title 5 except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this chapter, which amount shall be transmitted to such Department for reimbursement to such Fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding. (Aug. 13, 1946, ch. 957, title VIII, § 831, 60 Stat. 1021, amended Sept. 8, 1960, Pub. L. 86–723, § 35, 74 Stat. 840.)

CODIFICATION

In subsecs. (d) and (e), references to "subchapter I of chapter 81 of Title 5" and "section 8135 of Title 5" were substituted for references to the Federal Employees' Compensation Act of September 7, 1916, as amended, and to section 14 of the Act of September 7, 1916, as amended, respectively, on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1158 of this title.

§ 1082. Death in service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1121 of this title.

§ 1086. Return of contributions to separated personnel; excess contributions; beneficiary; time of payment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1081, 1116 of this title.

§ 1091. Computation of length of service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1004, 1007, 1076, 1081, 1082, 1084 of this title; title 42 section 5055.

§ 1092. Prior service credits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 930, 1004, 1007, 1063, 1076, 1081, 1082, 1084, 1229, 2385 of this title; title 42 section 5055.

§ 1093. Extra credit for service at unhealthful posts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1006, 1076 of this title.

§ 1105. Payments for future benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1064 of this title.

§ 1116. Amount allowable; return to contributor; computation of benefits; benefits as additional.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079*j*, 1079*l* of this title.

§ 1121. Increase in annuities on basis of per centum level in price index.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1105 of this title.

SUBCHAPTER IX.—ALLOWANCES AND BENEFITS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 926 of this title.

§ 1131. Representation allowances.

In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 5536 of Title 5, the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States allowances in order to provide for the proper representation of the United States by officers or employees of the Service. (Aug. 13, 1946, ch. 957, title IX, § 901, 60 Stat. 1025, amended Apr. 5, 1955, ch. 23, § 10, 69 Stat. 27; Sept. 6, 1960, Pub. L. 86–707, title V, § 511 (c)(7), 74 Stat. 801.)

CODIFICATION

"Section 5536 of Title 5" was substituted for "section 70 of Title 5" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1138a. Transportation for Government employees and dependents.

Notwithstanding the provisions of section 638a of Title 31, the Secretary may authorize any principal officer to approve the use of Government owned or leased vehicles located at his post for transportation of United States Government employees and their dependents when public transportation is unsafe or not available. (Aug. 13, 1946, ch. 957, title IX, § 914, as added Dec. 16, 1963, Pub. L. 88–205, pt. IV, § 404(c), 77 Stat. 391.)

CODIFICATION

"Section 638a of Title 31", referred to in text, formerly (prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554) appeared as section 78 of Title 5.

SUBCHAPTER X.—POWERS, DUTIES, AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

§ 1199. Liability for neglect of duty or for malfeasance generally; penalty.

Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he shall be responsible thereon to the full amount thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000. (As amended June 6, 1972, Pub. L. 92–310, title II, § 227(a), 86 Stat. 207.)

AMENDMENT

1972—Pub. L. 92–310 eliminated provisions which related to the official bond of the consular officer and the sureties thereon.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title; title 31 section 1204.

Chapter 15.—THE REPUBLIC OF THE PHILIPPINES

§ 1281. Certain Philippine citizens granted non-quota status.

REFERENCES IN TEXT

Section 213(c) of Title 8, referred to in subsec. (a) in the main volume, was repealed by act June 27, 1952, ch. 477, title IV, § 402(a)(23), 66 Stat. 279, and is now covered by section 1182(a)(22) of Title 8, Aliens and Nationality.

§ 1354. Quotas on Philippine articles.

CHANGE OF NAME

United States Tariff Commission redesignated United States International Trade Commission by Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

Chapter 18.—UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

SUBCHAPTER VII.—ADMINISTRATIVE PROCEDURE

Sec.

1474. Additional authority of Secretary or Government agency authorized to administer provisions [New].

1475. Travel expenses [New].

SUBCHAPTER VIII.—APPROPRIATIONS AND OTHER FUNDS

1477a. Grants for fiscal year 1973; prohibition upon the use by Radio Free Europe and Radio Liberty in fiscal year 1973 of funds appropriated after August 20, 1972. [New]

SUBCHAPTER I.—GENERAL PROVISIONS

§ 1439. Reports to Congress.

The Secretary shall submit to the Congress annual reports of expenditures made and activities carried on under authority of this chapter, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted. (As amended Oct. 26, 1974, Pub. L. 93–475, § 7, 88 Stat. 1440.)

AMENDMENTS

1974—Pub. L. 93–475 substituted provisions requiring annual reports for provisions requiring semiannual reports.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1456 of this title.

SUBCHAPTER III.—ASSIGNMENT OF SPECIALISTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 280c, 965, 1458 of this title.

SUBCHAPTER V.—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

§ 1461. General authorization.

The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress. (As amended July 13, 1972, Pub. L. 92–352, title II, § 204, 86 Stat. 494.)

AMENDMENTS

1972—Pub. L. 92–352 substituted provisions relating to the prohibition, except as otherwise provided, on the dissemination of information within the United States, its territories, or possessions, other than "Problems of Communism" which could continue to be sold at the Government Printing Office, for provisions relating to the availability of press release or radio scripts for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, Members of Congress.

§ 1461b. Indemnification of owners of short-wave radio facilities against loss or damage.

REPEALED

Pub. L. 92–77, title V, § 501, Aug. 10, 1971, 85 Stat. 269; Pub. L. 92–544, title V, § 501, Oct. 25, 1972, 86 Stat. 1132; Pub. L. 93–162, title V, § 501, Nov. 27, 1973, 87 Stat. 657; Pub. L. 93–433, title V, § 501, Oct. 5, 1974, 88 Stat. 1207; Pub. L. 94–121, title V, § 501, Oct. 21, 1975, 89 Stat. 639.

§ 1461c. Extension of appointments and assignments to the Foreign Service Reserve.

CODIFICATION

Section was not repeated in the Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act, 1970, or in subsequent appropriation acts.

SUBCHAPTER VI.—ADVISORY COMMISSIONS TO FORMULATE POLICIES

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a Commission established by the President or an officer of the Federal Government, such Commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Commission established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER VII.—ADMINISTRATIVE PROCEDURE

§ 1471. Authority of Secretary of State.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1474. Additional authority or Secretary or Government agency authorized to administer provisions.

In carrying out the provisions of this chapter, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages when suitable qualified United States citizens are not available (such aliens to be investigated for such employment in accordance with procedures established by the Secretary or such agency and the Attorney General), and such persons may be admitted to the United States, if otherwise qualified, as non-immigrants under section 1101(a)(15) of Title 8 for such time and under such conditions and procedures as may be established by the Secretary and the Attorney General;

(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;

(5) notwithstanding the provisions of section 2680(k) of Title 28, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this chapter;

(6) employ aliens by contract for services abroad;

(7) provide ice and drinking water abroad;

(8) pay excise taxes on negotiable instruments abroad;

(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this chapter;

(10) rent or lease, for periods not exceeding five years, offices, buildings, grounds, and living quarters abroad for employees carrying out this chapter, and make payments therefor in advance;

(11) maintain, improve, and repair properties used for information activities in foreign countries;

(12) furnish fuel and utilities for Government-owned or leased property abroad; and

(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of Title 5, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary.

(Jan. 27, 1948, ch. 36, title VIII, § 804, as added July 13, 1972, Pub. L. 92–352, title II, § 202, 86 Stat. 493.)

REFERENCE IN TEXT

The civil service and classification laws, referred to in par. (1), are set forth in Title 5, Government Organization and Employees. See, particularly, sections 3301 et seq., 5101 et seq. of that Title.

§ 1475. Travel expenses.

Appropriated funds made available for any fiscal year to the Secretary or any Government agency, to carry out the provisions of this chapter, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begin in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or

transportation may not be completed until the following fiscal year. (Jan. 27, 1948, ch. 36, title VIII, § 805, as added July 13, 1972, Pub. L. 92–352, title II, § 202, 86 Stat. 494.)

SUBCHAPTER VIII.—APPROPRIATIONS AND OTHER FUNDS

§ 1476. Prior authorizations by Congress.

(a) Notwithstanding any provision of law enacted before November 29, 1973, no money appropriated to carry out this chapter shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out this chapter authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after November 29, 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.

(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law. (As amended Feb. 7, 1972, Pub. L. 92–226, pt. IV, § 407(d), 86 Stat. 35; July 13, 1972, Pub. L. 92–352, Title II, § 203, 86 Stat. 494; Nov. 29, 1973, Pub. L. 93–168, § 3, 87 Stat. 688; Oct. 26, 1974, Pub. L. 93–475, § 6, 88 Stat. 1440.)

REFERENCES IN TEXT

The joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, referred to in subsec. (d), is Pub. L. 93–52, July 1, 1973, 87 Stat. 130. Only section 111 of Pub. L. 93–52 was classified to the Code, and it is set out as section 665b of Title 31, Money and Finance.

AMENDMENTS

1974—Subsec. (e). Pub. L. 93–475 added subsec. (e).

1973—Subsec. (a). Pub. L. 93–168 designated existing provisions as subsec. (a) and in subsec. (a) as so designated substituted provisions that no appropriated moneys appropriated to carry out this chapter be available for obligation or expenditure if the appropriation thereof has not been previously authorized by law or if the appropriated moneys are in excess of the amount previously prescribed by law for provisions that no appropriation be made to the Secretary of State or to any Government agency authorized to administer the provisions of this chapter under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after February 7, 1972, but with such provisions not to apply to or affect permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency authorized by law.

Subsecs. (b)–(d). Pub. L. 93–168 added subsecs. (b) to (d).

1972—Pub. L. 92–352 added provisions that this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law.

Pub. L. 92–226 substituted provision for prior authorizations by Congress for former general authorization.

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93–168 provided: "That this Act [amending this section] may be cited as the 'United States Information Agency Appropriations Authorization Act of 1973'."

§ 1477a. Grants for fiscal year 1973; prohibition upon the use by Radio Free Europe and Radio Liberty in fiscal year 1973 of funds appropriated after August 20, 1972.

There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. There are further authorized to be appropriated in fiscal year 1973 not to exceed $1,150,000 for nondiscretionary costs. Except for funds appropriated pursuant to this section, no funds appropriated after August 20, 1972, may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973. (Jan. 27, 1948, ch. 36, title VII, § 703, as added Mar. 30, 1972, Pub. L. 92–264, 86 Stat. 114, and amended Aug. 20, 1972, Pub. L. 92–394, 86 Stat. 577; July 6, 1973, Pub. L. 93–59, 87 Stat. 142.)

AMENDMENTS

1973—Pub. L. 93–59 authorized an additional appropriation of $1,150,000 for nondiscretionary costs for fiscal year 1973.

1972—Pub. L. 92–394 substituted provisions authorizing appropriation to the Secretary of State of $38,520,000 for fiscal year 1973 to provide grants to Radio Free Europe and Radio Liberty and that funds appropriated after August 20, 1972 may not be made available for use in fiscal year 1973, for provisions authorizing appropriation to the Department of State of $36,000,000 for fiscal year 1972 to provide grants to Radio Free Europe and Radio Liberty and that funds appropriated after March 30, 1972 may not be made available for use of Radio Free Europe and Radio Liberty.

§§ 1478, 1479.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 965 of this title.

Chapter 20A.—MUTUAL DEFENSE ASSISTANCE CONTROL PROGRAM

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2364 of this title.

Chapter 21.—SETTLEMENT OF INTERNATIONAL CLAIMS

§ 1641a. Claims funds; coverage into Treasury.

* * * * *

(c) The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of the United States Hungarian Claims Agreement of March 6, 1973. (As amended Oct. 20, 1974, Pub. L. 93–460, § 1(1), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93–460 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641c, 1641h of this title.

§ 1641b. Claims of nationals of the United States; against Bulgaria, Hungary, and Rumania.

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary, and Rumania, or any of them, arising out of the failure to—

* * * * *

(3) meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to April 24, 1941, in the case of Bulgaria, and prior to September 1, 1939, in the case of Hungary and Rumania, and which became payable prior to September 15, 1947;

(4) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States; and

(5) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

(As amended Oct. 20, 1974, Pub. L. 93–460, § 1 (2), (3), 88 Stat. 1386.)

AMENDMENTS

1974—Par. (5). Pub. L. 93–460 added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641e, 1641i, 1641*l*, 1641o of this title.

§ 1641e. Time for filing of claims; notice.

(a) Within sixty days after August 9, 1955, or within sixty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under this subchapter, which limit shall not be more than one year after such publication, except that with respect to claims under section 1641d of this title this limit shall not exceed six months.

* * * * *

(c) Within thirty days after October 20, 1974, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (5) of section 1641b of this title, whichever date is later, the Commission shall publish in the Federal Register the time when, and the limit of time within which, claims may be filed with the Commission under paragraph (5) of section 1641b of this title, which limit shall not be more than six months after such publication.

(d) Notwithstanding any other provision of this section, any national of the United States who was mailed notice by any department or agency of the Government of the United States with respect to filing a claim against the Government of Hungary arising out of any of the failures referred to in paragraph (1), (2), or (3) of section 1641b of this title, and who did not receive the notice as the result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph. The Commission shall publish in the Federal Register, within thirty days after October 20, 1974, when the limit of time within which any such claim may be filed with the Commission, which limit shall not be more than six months after such publication. (As amended Oct. 20, 1974, Pub. L. 93–460, § 1(4), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–460, § 1(4)(A), substituted "the date of enactment of paragraph (1), (2), or (3) of section 303 of this title" for "the date of enactment of this title" both of which phrases, for purposes of codification, translate as "August 9, 1955", necessitating no present change in text.

Subsecs. (c), (d). Pub. L. 93–460, § 1(4)(B), added subsecs. (c) and (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641i, 1641o of this title.

§ 1641i. Payment of awards.

(a) Manner of payment.

The Secretary of the Treasury shall make payments on account of awards certified by the Commission pursuant to this subchaper as follows:

* * * * *

(7)(A) Except as otherwise provided in subparagraph (D), whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 1641b of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraphs (2) and (3) of section 1641b of this title out of the Hungarian Claims Fund until payments on account of awards certified under paragraph (5) of section 1641b of this title with respect to such fund have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraph (2) and (3) of section 1641b of this title.

(B) Except as otherwise provided in subparagraph (D), with respect to awards previously certified under paragraph (1) of section 1641b of this title, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3), and (5) of section 1641b of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraph (1) of section 1641b of this title.

(C) Except as otherwise provided in subparagraph (D), the Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 1641b of this title based on Kingdom of Hungary bonds expressed in United States dollars or upon

awards to Standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill creditors of Hungary.

(D) No payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraph (5) of section 1641b of this title, and no further payments shall be so authorized under paragraphs (1), (2), or (3) of section 1641b of this title (except payments certified as the result of claims filed under subsection (d) of section 1641e of this title), until payments on account of awards certified under such paragraphs (1), (2), and (3) as the result of a claims[1] filed under subsection (d) of section 1641e of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under such paragraphs and arising out of claims filed other than under such subsection (d).

(E) The Secretary of the Treasury is authorized and directed to deduct the sum of $125,000 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in article 2, paragraph 4 of the United States-Hungarian Claims Agreement of March 6, 1973. Such amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in article 4 of the agreement.

* * * * *

(As amended Oct. 20, 1974, Pub. L. 93–460, § 1(5), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (a)(7). Pub. L. 93–460 added subsec. (a)(7).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641a, 1641c of this title.

§ 1641o. Time limitation on completion of affairs of Commission.

* * * * *

(c) The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 1641b of this title not later than two years following the deadline established under subsection (c) of section 1641e of this title. (As amended Oct. 20, 1974, Pub. L. 93–460, § 1(6), 88 Stat. 1387.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93–460 added subsec. (c).

Chapter 24.—MUTUAL SECURITY PROGRAM

§ 1754. Foreign currencies.

* * * * *

(b) Availability to Congressional committees; reports.

Notwithstanding section 724 of Title 31, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 2362(a) of this title and of the requirements of the United States Government in payment of its obligation outside the United States, as such requirements may be determined from time to time by the President (and any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person exclusive of the actual cost of transportation) shall be made available to Members and employees of appropriate committees of the Congress engaged in carrying out their duties under section 190d of Title 2, and to the Joint Committee on Atomic Energy, the Joint Economic Committee, and the Joint Committee on Congressional Operations and the Select Committees on Small Business of the Senate and House of Representatives and the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate, for their local currency expenses. Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including per diem (lodging and meals), transportation and other purposes, and showing the total itemized expenditures during the preceding calendar year of the committee, and of each member or employee of such committee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate), and shall be open to public inspection. (As amended Oct. 18, 1973, Pub. L. 93–126, § 5, 87 Stat. 452; Aug. 13, 1974, Pub. L. 93–371, § 107, 88 Stat. 444; July 25, 1975, Pub. L. 94–59, title XI, § 1105, 89 Stat. 299; Dec. 18, 1975, Pub. L. 94–157, title I, ch. IV, 89 Stat. 837.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–157 made local currencies available to Joint Committee on Congressional Operations.

Pub. L. 94–59 struck out provisions requiring each member or employee to make, to the chairman of the committee in accordance with regulations prescribed by the committee, an itemized report showing the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures made from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including lodging, meals, transportation, and other purposes, and, in the provision requiring a consolidated report by the chairman of each committee within the first sixty-days that Congress is in session in each calendar year, added requirement that such report itemize those items, struck out references to subcommittees, substituted "Committee on House Administration" for "Clerk", and added provision for public inspection.

1974—Subsec. (b). Pub. L. 93–371 added provisions requiring each member or employee of any committee to make to the chairman, in accordance with prescribed regulations, an itemized report showing the amounts of foreign currency expended and dollar expenditure made from appropriated funds in connection with travel out-

[1] So in original.

side the United States, and substituted provisions relating to the preparation and submission of a consolidated report by the chairman, within the first sixty days that Congress is in session in each calendar year, showing total itemized expenditures during the preceding calendar year of the committee, for provisions relating to the submission by the Department of State to the chairman of each committee, within the first ninety calendar days that Congress is in session in each calendar year, showing amounts and equivalent dollar values of foreign currency expended during the preceding calendar year for travel outside the United States.

1973—Subsec. (b). Pub. L. 93–126 substituted "$75" for "$50" and "shall be made available to Members and employees of appropriate committees" for "shall be made available to appropriate committees" and substituted a reporting procedure under which the Department of State, within the first 90 calendar days that Congress is in session in each calendar year, submits a report covering the amounts and dollar equivalent values of each foreign currency expended by each Member and employee with respect to travel outside the United States, with such report to be available for public inspection, for a reporting procedure under which both the amounts and dollar equivalent values of each foreign currency expended and the amount of dollar expenditures made from appropriated funds with respect to travel outside the United States were reported within the first 60 days that Congress was in session in each calendar year, with each such report published in the Congressional Record.

§ 1896b. Colombo Plan Council for Technical Cooperation; authorization.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 1928. North Atlantic Treaty Organization.

NORTH ATLANTIC TREATY ORGANIZATION; BALANCE OF PAYMENTS DEFICIT; EQUITABLE COST SHARING; REPORT TO CONGRESS

Pub. L. 93–155, title VIII, § 812, Nov. 16, 1973, 87 Stat. 619, provided that:

"(a) The Congress finds that in order to achieve a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty, the President should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset fully any balance-of-payment deficit incurred by the United States during the fiscal year ending June 30, 1974, as the result of the deployment of forces in Europe in fulfillment of the treaty commitments and obligations of the United States. This balance-of-payment deficit shall be determined by the Secretary of Commerce in consultation with the Secretary of Defense and the Comptroller General of the United States.

"(b) In the event that the North Atlantic Treaty Organization members (other than the United States) fail to offset the net balance-of-payment deficit described in subsection (a) prior to the expiration of eighteen months after the date of enactment of this section [Nov. 16, 1973], no funds may be expended after the expiration of twenty-four months following the date of enactment of this section [Nov. 16, 1973] for the purpose of maintaining or supporting United States forces in Europe in any number greater than a number equal to the average monthly number of United States forces assigned to duty in Europe during the fiscal year ending June 30, 1974, reduced by a percentage figure equal to the percentage figure by which such balance-of-payment deficit during such fiscal year was not offset.

"(c) The Congress further finds (1) that the other members of the North Atlantic Treaty Organization should, in order to achieve a more equitable sharing of the cost burden under the treaty, substantially increase their contributions to assist the United States in meeting those added budgeting expenses incurred as the result of maintaining and supporting United States forces in Europe, including, but not limited to, wages paid to local personnel by the United States, recurring expenses incurred in connection with the maintenance and operation of real property, maintenance facilities, supply depots, cold storage facilities, communications systems, and standby operations, and nonrecurring expenses such as the construction and rehabilitation of plants and facilities; (2) that the amount paid by the United States in connection with the North Atlantic Treaty infrastructure program should be reduced to a more equitable amount; and (3) that the President should seek, through appropriate bilateral and multilateral arrangements, a substantial reduction of the amounts paid by the United States in connection with those matters described in (1) and (2) above.

"(d) The President shall submit to the Congress within ninety days after the date of enactment of this Act [Nov. 16, 1973], and at the end of each ninety-day period thereafter, a written report informing the Congress of the progress that has been made in implementing the provisions of this section."

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

EX. ORD. NO. 11623. SECURITY CLEARANCE PROGRAM FOR UNITED STATES CITIZENS EMPLOYED DIRECTLY BY NATO, SEATO, AND CENTO

Ex. Ord. No. 11633. Dec. 3, 1971, 36 F.R. 23197, provided:

The United States now participates in the activities of the North Atlantic Treaty Organization (NATO), the South-East Asia Treaty Organization (SEATO), and the Central Treaty Organization (CENTO). The security regulations of these three treaty organizations provide that each participating nation shall be responsible for the security screening and security clearance of its own citizens before they are authorized access to the Organization's TOP SECRET, SECRET, or CONFIDENTIAL information. There is no existing program, however, under which United States civilians who are hired directly by these organizations can be screened and cleared for access to such Organization's TOP SECRET, SECRET, or CONFIDENTIAL information while so employed. It is, of course, in the interest of the United States that United States citizens who participate in the activities of NATO, SEATO, and CENTO as direct hire employees of the civil or military agencies of those organizations be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. At the same time, it is a fundamental principle of our Government to protect against unreasonable or unwarranted encroachment on the freedom and privacy of individuals.

I have determined that the provisions and procedures prescribed by this Order are necessary to assure the preservation of the integrity of the classified information of NATO, SEATO, and CENTO, and to protect the national interest. I have also determined that these provisions and procedures recognize the rights of individuals affected thereby and provide maximum possible safeguards to protect such rights.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as Commander-in-Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense shall establish a program and, by regulation, shall prescribe such specific

requirements, restrictions, and other safeguards as he considers necessary for the administration of procedures whereby "Certificates of Security Clearance" for the United States citizens directly employed by civil or military agencies of NATO, SEATO, or CENTO may be provided to these international organizations when they so request. Such program shall also provide for the denial, revocation, or suspension of such "Certificates."

SEC. 2. Subject to the provisions of applicable international agreements, the procedures established by the Secretary of Defense shall, insofar as is practical, be similar to those established by him pursuant to the authority vested in him by Executive Order No. 10865 of February 20, 1960, as amended [set out as a note under section 401 of Title 50, War and National Defense].

SEC. 3. The substance of the criteria, safeguards, and procedures provided in Sections 2, 3, 4, 5, 6, 7, and 9 of Executive Order No. 10865, as amended [set out as a note under section 401 of Title 50, War and National Defense], shall be incorporated in the regulations of the Secretary of Defense governing the program established hereunder.

SEC. 4. Any authority vested in the Secretary of Defense by this Order may be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

RICHARD NIXON.

§ 1928b. Same; appropriations.

There is authorized to be appropriated annually, for the annual contribution of the United States toward the maintenance of the North Atlantic Assembly, such sum as may be agreed upon by the United States Group and approved by such Assembly, but in no event to exceed for any year an amount equal to 25 per centum of the total annual contributions made for that year by all members of the North Atlantic Treaty Organization toward the maintenance of such Assembly, and $50,000, $25,000 for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States Group of the North Atlantic Assembly for each fiscal year for which an appropriation is made, such appropriation to be dispersed on voucher to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation. (As amended Feb. 7, 1972, Pub. L. 92–226, pt. IV, § 405, 86 Stat. 34.)

AMENDMENTS

1972—Pub. L. 92–226 increased annual appropriations authorization for expenses of the United States Group of the North Atlantic Assembly, including the amount for the House and Senate delegations from $15,000 to $25,000.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101. Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 1934. Munitions control.

* * * * *

(e) Report to Congressional Committees of licenses issued for export of articles in excess of $100,000; contents.

Licenses issued for the export of articles on the United States Munitions List in excess of $100,000 shall be reported promptly to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, which report shall contain—

(1) the items to be exported under the license;

(2) the quantity of each such item to be furnished;

(3) the name and address of the consignee and of the ultimate user of each such item; and

(4) an injunction whenever appropriate, concerning the necessity to protect the confidentiality of the information provided.

(f) Issuance of export licenses for articles on munitions list; coordination; criteria.

Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements. (As amended Dec. 17, 1973, Pub. L. 93–189, § 27, 87 Stat. 723; Nov. 29, 1975, Pub. L. 94–141, title I, § 150(a), 89 Stat. 760.)

AMENDMENTS

1975—Subsec. (f). Pub. L. 94–141 added subsec. (f).

1973—Subsec. (e). Pub. L. 93–189 added subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 5847.

§ 1942. Development assistance in Latin America; Congressional declaration of policy.

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

Section 36 of Pub. L. 93–189, Dec. 17, 1973, 87 Stat. 734, provided that:

"(a) The President or his delegate shall seek, as soon as possible a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

"(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

"(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries; or

"(3) both the transfer described in paragraph (1) and the utilization described in paragraph (2).

"(b) Any transfer or utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

"(c) Any transfer under subsection (a)(1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

"(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his delegate shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

"(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section."

Chapter 25.—PROTECTION OF VESSELS ON THE HIGH SEAS AND IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

Sec.

1978. Restriction on importation of fishery products from countries which violate international fishery conservation program [New].
(a) Certification to President.
(b) Notification to Congress.
(c) Importation of fish products from offending country prohibited.
(d) Penalties; forfeiture; customs laws.
(e) Enforcement.
(f) Regulations.
(g) Definitions.
1979. Fishermen's Protective Fund [New].

§ 1972. Action by Secretary of State upon seizure of vessel by foreign country.

In any case where—

* * * * *

(b) there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure,

the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country, to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which may be reimbursable under section 1973(a) of this title. (As amended Oct. 26, 1972, Pub. L. 92–569, § 1, 86 Stat. 1182.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92–569 required the Secretary of State to take appropriate action to immediately ascertain the fees, fines, and other direct charges paid by a United States vessel owner to the seizing foreign country for the release of the vessel and its crew.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 6 of Pub. L. 92–569 provided that: "The amendments made by this Act [enacting section 1979 of this title and amending this section and sections 1973, 1975 and 1977 of this title] shall apply with respect to seizures of vessels of the United States occurring on or after the date of the enactment of this Act [Oct. 26, 1972]; except that reimbursements under section 3 of the Fishermen's Protective Act of 1967 [section 1973 of this title] (as in effect before such date of enactment [Oct. 26, 1972]) may be made from the fund established by the amendment made by section 5 of this Act [enacting section 1979 of this title] with respect to any seizure of a vessel occurring before such date of enactment [Oct. 26, 1972] and after December 31, 1970, if no reimbursement was made before such date of enactment [Oct. 26, 1972]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1977 of this title.

§ 1973. Reimbursement of owner for any direct charges paid to secure release of vessel and crew.

(a) In any case where a vessel of the United States is seized by a foreign country under the conditions of section 1972 of this title and a fine, license fee, registration fee, or any other direct charge must be paid in order to secure the prompt release of the vessel and crew, the owners of the vessel shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine, license fee, registration fee, or any other direct charge actually paid. Any reimbursement under this section shall be made from the Fishermen's Protective Fund established pursuant to section 1979 of this title.

(b) The Secretary of State shall make a certification under subsection (a) of this section as soon as possible after he is notified pursuant to section 1972 (b) of this title of the amounts of the fines, fees, and other direct charges which were paid by the owners to secure the release of their vessel and crew. The amount of reimbursement made by the Secretary of the Treasury to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of the Treasury reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien. (As amended Oct. 26, 1972, Pub. L. 92–569, § 2, 86 Stat. 1182.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–569 designated existing provisions as subsec. (a), and in subsec. (a) as so designated, added provision that reimbursement under this section shall be made from the Fishermen's Protective Fund.

Subsec. (b). Pub. L. 92—569 added subsec. (b).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–569 applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under this section may be made from the fund established by section 1979 of this title with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972 if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92–569, set out as a note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1972, 1975, 1977, 1979 of this title.

§ 1975. Action by Secretary on claims for amounts expended because of seizure; withholding amount of unpaid claim from foreign assistance funds.

(a) The Secretary of State shall—

(1) immediately notify a foreign country of—

(A) any reimbursement made by the Secretary of the Treasury under section 1973 of this title as a result of the seizure of a vessel of the United States by such country,

(B) any payment made pursuant to section 1977 of this title in connection with such seizure, and

(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

(b) If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress

and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 unless the President certifies to the Congress that it is in the national interest not to do so in the particular instance (and if such funds are insufficient to cover such claim, transfer shall be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen's Protective Fund established pursuant to section 1979 of this title if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 1973 of this title, or (2) the separate account established in the Treasury of the United States pursuant to section 1977(c) of this title if the amount is transferred with respect to an unpaid claim for a payment made under section 1977(a) of this title. Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country. (As amended Oct. 26, 1972, Pub. L. 92–569, § 3, 86 Stat. 1182.)

AMENDMENTS

1972—Pub. L. 92–569 substituted provisions that the Secretary of State notify the foreign country of reimbursements made under section 1973 of this title and payments made under section 1977 of this title, take appropriate action to make and collect claims against such foreign country and on failure to receive payment or on refusal to pay within 120 days after the notification, transfer an amount equal to the unpaid amount from funds programmed for assistance to that country to the Fishermen's Protective Fund or the separate account in the Treasury as the case may be, and in the case of inadequate funds programmed in the current fiscal year make the deduction from suceeding fiscal years, with exception that no such transfer be made when the President certifies to Congress that it is in the national interest not to do so, for provisions that the Secretary of State take appropriate action to collect claims against such foreign country and withhold amounts equal to the unpaid claims from the foreign assistance programmed for that fiscal year when such country fails or refuses to pay within 120 days of receipt of notice of claim.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–569 applicable with respect to seizures of vessels of the United States occurring on or after Oct. 26, 1972, see section 6 of Pub. L. 92–569, set out as a note under section 1972 of this title.

EX. ORD. NO. 11772. DELEGATION OF CERTAIN AUTHORITY OF PRESIDENT TO SECRETARY OF STATE

Ex. Ord. No. 11772, Mar. 21, 1974, 39 F.R. 10879, provided: By virtue of the authority vested in me by the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1971, et seq.) [this chapter], and Section 301 of Title 3 of the United States Code, and as President of the United States of America, the Secretary of State is hereby designated and empowered to exercise, without ratification, or other action of the President, the function conferred upon the President by Setcion 5(b) of the Fishermen's Protective Act of 1967, as amended [subsec. (b) of this section], of certifying to the Congress that it is in the national interest not to transfer to the Fishermen's Protective Fund or to the separate account established under the Act, pursuant to that Section, amounts appropriated by the Congress and programmed for assistance under the Foreign Assistance Act of 1961 [section 2151 et seq. of this title].

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1977, 1979 of this title.

§ 1977. Reimbursement for seized commercial fishermen.

* * * * *

(c) Establishment of fees; amount of fees; credit of fees to separate Treasury account; payment from collected fees; authorization of appropriations.

The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. If a transfer of funds is made to the separate account under section 1975(b)(2) of this title with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts. All payments under this section shall be made first out of such fees so long as they are available and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section.

* * * * *

(e) Effective date; rules and regulations.

The provisions of this section shall be effective until July 1, 1977.

(f) Definitions.

For the purposes of this section—

(1) the term "Secretary" means the Secretary of Commerce.

* * * * *

(As amended Oct. 26, 1972, Pub. L. 92–569, § 4, 86 Stat. 1183; Oct. 27, 1972, Pub. L. 92–594, §§ 1, 2, 86 Stat. 1313.)

AMENDMENTS

1972—Subsec. (c). Pub. L. 92–569 added provision that amounts paid subsequent to transfer to the separate account be covered into the Treasury as miscellaneous receipts.

Subsec. (e). Pub. L. 92–594, § 1, extended the provisions of this section until July 1, 1977, and struck out provisions relating to the issuance of regulations.

Subsec. (f)(1). Pub. L. 92–594, § 2, substituted "Secretary of Commerce" for "Secretary of the Interior".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–569 applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, see section 6 of Pub. L. 92–569, set out as a note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1975 of this title.

§ 1978. Restriction on importation of fishery products from countries which violate international fishery conservation program.

(a) Certification to President.

When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President. Upon receipt of such certification, the President may direct the Secretary of

the Treasury to prohibit the bringing or the importation into the United States of fish products of the offending country for such duration as he determines appropriate and to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

(b) Notification to Congress.

Within sixty days following certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him pursuant to such certification. In the event the President fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if such prohibition does not cover all fish products of the offending country, the President shall inform the Congress of the reasons therefor.

(c) Importation of fish products from offending country prohibited.

It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

(d) Penalties; forfeiture; customs laws.

(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

(e) Enforcement.

(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

(2) The judges of the United States district courts, and United States commissioners [1] may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and regulations issued thereunder.

(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

(4) Such person so authorized shall have the power—

(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this section or the regulations issued thereunder, then to arrest such person.

(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary of the Treasury after consultation with the Secretary of Health, Education, and Welfare.

(f) Regulations.

The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

(g) Definitions.

As used in this section—

(1) The term "person" means any individual, partnership, corporation, or association.

(2) The term "United States", when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands.

(3) The term "international fishery conservation program" means any ban, restriction, regulation, or other measure in force pursuant to a multilateral agreement to which the United States is a signatory party, the purpose of which is to conserve or protect the living resources of the sea.

(4) The term "fish products" means fish and marine mammals and all products thereof taken by fishing vessels of an offending country whether or not packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof.

(Aug. 27, 1954, ch. 1018, § 8, as added Dec. 23, 1971, Pub. L. 92–219, 85 Stat. 786.)

§ 1979. Fishermen's Protective Fund.

There is created a Fishermen's Protective Fund which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State under section 1973 of this title. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 1975(a) of this title shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 1973 of this title; except that if a transfer to the fund was made pursuant to section 1975(b)(1) of this title with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of $3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement

[1] So in original. Reference was probably intended to United States magistrates. See section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

the fund in order to meet the requirements of the fund. (Aug. 27, 1954, ch. 1018, § 9, as added Oct. 26, 1972, Pub. L. 92–569, § 5, 86 Stat. 1183.)

EFFECTIVE DATE

Section applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under section 1973 of this title may be made from the fund established by this section with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972, if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92–569, set out as a note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1975 of this title.

Chapter 30.—INTERNATIONAL COOPERATION IN HEALTH AND MEDICAL RESEARCH

§ 2102. Authority of Secretary.

REFERENCES IN TEXT

The Vocational Rehabilitation Act, referred to in subsec. (a), was classified to section 31 et seq. of Title 29, Labor, and was repealed by section 500(a) of Pub. L. 93–112, title V, Sept. 26, 1973, 87 Stat. 390. Pub. L. 93–112, the Rehabilitation Act of 1973, is classified to section 701 et seq. of title 29, and section 500(a) of Pub. L. 93–112, classified to section 790(a) of title 29, provides in part that references to the Vocational Rehabilitation Act in any other provision of law shall be deemed to be references to the Rehabilitation Act of 1973.

§ 2103. Authority of President.

* * * * *

(c) Fellowships; equipment; technical assistance; interchange of scientists and experts; compensation and travel expenses; health science programs and projects; meetings and conferences; scientific publications.

To carry out his responsibilities under this chapter the President may—

* * * * *

(e) Consultants; advisory committees; compensation and travel expenses.

The President is authorized, to the extent he deems it necessary to carry out the purposes of section 2101 of this title, to employ experts and consultants or organizations thereof, as authorized by section 3109 of Title 5 and create a committee or committees to be composed entirely of persons who are citizens of the United States to advise him in the administration of this chapter, individuals so employed and members of committees shall be entitled to receive compensation at a rate to be fixed by the President, but not to exceed $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons in the Government service employed intermittently.

* * * * *

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (e), was in the original "this joint resolution", which enacted this chapter and section 308 of the Public Health Service Act. Such section 308 was redesignated section 307 by Pub. L. 93–353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242*l* of Title 42, The Public Health and Welfare.

CODIFICATION

In subsec. (e), references to sections 3109 and 5703 of Title 5 have been substituted for "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" and "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2)", respectively, on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Chapter 31.—INTERNATIONAL TRAVEL

§ 2122. Powers and duties of Secretary of Commerce.

In order to carry out the purpose of this chapter the Secretary of Commerce (hereafter in this chapter referred to as the "Secretary") shall—

* * * * *

(5) collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism;

(6) encourage to the maximum extent feasible travel to and from the United States on United States carriers.

(As amended Pub. L. 93–623, § 6, Jan. 3, 1975, 88 Stat. 2105.)

AMENDMENTS

1975—Par. (6). Pub. L. 93–623 added par. (6).

§ 2126. Appropriations.

For purposes of carrying out the provisions of this chapter, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; (3) $25,000,000 for the fiscal year ending June 30, 1976. Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of Title 44. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years; (4) $5,000,000 for the transition period of July 1, 1976, through September 30, 1976; (5) $25,000,000 for the fiscal year ending September 30, 1977; (6) $30,000,000 for the fiscal year ending September 30, 1978; and (7) $30,000,000 for the fiscal year ending September 30, 1979. (As amended Pub. L. 93–193, § 1(a), Dec. 19, 1973, 87 Stat. 765; Pub. L. 94–55, § 1, July 9, 1975, 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94–55 added provisions authorizing the appropriation of $5,000,000 for the transition period of July 1, 1976 through Sept. 30, 1976, $25,000,000 for the fiscal year ending Sept. 30, 1977, $30,000,000 for the fiscal year ending Sept. 30, 1978, and $30,000,000 for the fiscal year ending Sept. 30, 1979.

1973—Pub. L. 93–193 substituted provisions authorizing to be appropriated an aggregate amount not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976, for provisions authorizing to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

Chapter 32.—FOREIGN ASSISTANCE

SUBCHAPTER I.—INTERNATIONAL DEVELOPMENT

PART I.—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

Sec.
2151a. Food and nutrition [New].
(a) General authorization.
(b) Congressional findings.
(c) Activities for increasing productivity and income of rural poor.
(d) Foreign currency proceeds.
(e) International Fund for Agricultural Development; authorization of appropriations for United States contribution.
(f) Articles of Agreement for International Fund for Agricultural Development; review and approval by Congressional Committees; combined goal of donor commitments; reduction of United States contribution; equitable burden sharing among contributors.
(g) Data concerning International Fund for Agricultural Development; submittal to Congress.
2151a–1. Agricultural research [New].
2151b. Population planning and health [New].
2151c. Education and human resources development [New].
2151c. (a) General authority.
(b) Assistance related to nonformal education methods, formal education systems, and management capabilities of institutions directed at the poor.
(c) Educational assistance to Southern Africans.
2151d. Technical assistance for programs relating to energy, research, reconstruction, and selected development problems; authorization of appropriations; reimbursement of domestic private voluntary agencies for costs of shipment of food and nonfood commodities donated privately [New].
2151e. Intermediate technology [New].
2151f. Application of existing provisions [New].
2151g. Transfer of funds [New].
2151h. Cost-sharing and funding limits [New].
2151i. Development and use of cooperatives [New].
2151j. Police training prohibited [New; Repealed].
2151k. Integrating women into national economies [New].
2151*l*. Limiting use of funds for abortions [New].
2151m. Prohibiting use of funds for certain countries [New].
(a) Assistance furnished under other provisions.
(b) Waiver.
(c) Exceptions.
2151n. Human rights and development assistance; report to Speaker of the House and Committee on Foreign Relations of the Senate [New].

PART II.—DEVELOPMENT ASSISTANCE

Subpart II.—Technical Cooperation and Development Grants

2175a. Ceiling on fertilizers to South Vietnam [New].
2180a. Suez Canal; authorization of President; authorization of appropriations: Egyptian pounds owned by United States [New].

Subpart III.—Housing and Other Credit Guaranty Programs

2182a. Agricultural and productive credit and self-help community development programs [New].
(a) Financing pilot programs; scope.
(b) Guaranties; percentage limitation.
(c) Total and individual amount of guaranties.
(d) Inter-American Foundation consultations.
(e) Guaranty reserve.
(f) Administrative and operating expenses; funds.
Sec.
2182a. Agricultural and productive credit and self-help community development programs [New]—Continued.
(g) Transfer of Overseas Private Investment Corporation's obligations and assets.
(h) Termination of authority.
(i) Excess foreign currencies; use.
(j) Report to Congress.

Subpart XII.—Famine Prevention and Freedom From Hunger [New]

2220a. Congressional objectives and findings; definitions.
2220b. General authority; program and activity objectives; function of Administrator.
2220c. Board for International Food and Agricultural Development.
(a) Establishment; terms and expenses of members.
(b) General areas of responsibility.
(c) Specific, but not exclusive, duties.
(d) Subordinate units; creation of Joint Research Committee, Joint Committee on Country Programs, and other units.
(e) Consultations in preparation of annual report and on agricultural development activities.
2220d. Authorization; funds; foreign currencies; other authorizations; disclosure of funds to Administrator: annual report.
2220e. Presidential report to Congress.

PART III.—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

2225. Integration of women [New].

PART V.—CONTINGENCY FUND

2262. Transferred.

PART VIII.—INTERNATIONAL NARCOTICS CONTROL [New]

2291. International narcotics control; international cooperation; executive agreements; assistance authorization; terms and conditions; suspension of assistance and sales for failure to prevent illegal sales or unlawful entry; continuation of suspension; reports to Congress.
2291a. Authorization of appropriations.

PART IX.—INTERNATIONAL DISASTER ASSISTANCE [NEW]

2292. Congressional policy; general authority.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1975, 2773 of this title; title 13 section 301; title 50 App. section 1878zz–4.

SUBCHAPTER I.—INTERNATIONAL DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290f, 2385, 2397, 2399c, 2421, 2427, 2443 of this title.

PART I.—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2183, 2293, 2357, 2399d, 2413 of this title.

§ 2151. Congressional statement of policy.

(a) The Congress declares that the freedom, security, and prosperity of the United States are best sustained in a community of free, secure, and prospering nations. In particular, the Congress recognizes the threat of world peace posed by aggression and subversion wherever they occur, and that ignorance, want, and despair breed the extremism and violence which lead to aggression and subversion. The Congress declares therefore that it is not only expressive of our sense of freedom, justice, and compassion but also important to our national security that the United States, through private as well as public efforts, assist the people of less developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political, and social institutions which will meet their aspirations for a better life, with freedom, and in peace.

* * * * *

(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on largescale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.

(6) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs.

(7) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part should have the responsibility for coordinating all United States development-related activities.

(c) Assistance under this part should be used not simply for the purpose of transferring financial resources to developing countries, but to help countries solve development problems in accordance with a strategy that aims to increase substantially the participation of the poor. Accordingly, greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading productive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

(d) For the purpose of assuring that development assistance furnished under this part is increasingly concentrated in countries which will make effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance), the President shall establish appropriate criteria to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this part. In establishing such criteria, the President shall specifically take into account their value in assessing the efforts of countries to—

(1) increase agricultural productivity per unit of land through small-farm labor-intensive agriculture;

(2) reduce infant mortality;

(3) control population growth;

(4) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

(5) reduce rates of unemployment and underemployment.

The President shall endeavor to bring about the adoption of similar criteria by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this part, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection. (As amended Pub. L. 93–189, § 2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94–161, title III, § 301, Dec. 20, 1975, 89 Stat. 855.)

AMENDMENTS

1975—Subsecs. (c), (d). Pub. L. 94–161 added subsecs. (c) and (d).

1973—Pub. L. 93–189 designated existing provisions as subsec. (a) and added subsec. (b).

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94–161 provided: "That this Act [which redesignated as sections 2292c to 2292e former sections 2262, 2399–1a, and 2399–1b of this title, enacted sections 2151a–1, 2151d, 2151e, 2151n, 2220a to 2220e, 2292 to 2292b, 2292f, and 2425 to 2427 of this title and sections 1691a, 1711, 1726, and 1736f of Title 7, amended sections 2151, 2151a, 2151b, 2151c, 2151h, 2151i, 2151k, 2169, 2174, 2181 to 2183, 2221, 2222, 2225, 2293, 2357 and 2421 of this title and sections 1691, 1703, 1706, 1709, 1721, 1736, 1736a, and 1736b of Title 7, repealed sections 2151d, 2151e, 2201, 2292, and 2399 of this title, and enacted provisions set out as a note under section 2220a of this title and as a note under section 1691a of Title 7] may be cited as the 'International Development and Food Assistance Act of 1975'."

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93–559, § 1, Dec. 30, 1974, 88 Stat. 1795, provided: "That this Act [enacting sections 2151m, 2175a, 2182a, 2225, 2293, 2304, 2321h, 2321i, 2419 to 2424, 2435, and 2441 to 2443 of this title, amending sections 278, 2151a to 2151c, 2163, 2181, 2183, 2219a, 2222, 2261, 2312, 2318, 2321b, 2321f, 2346a, 2360, 2364, 2370, 2394, 2399, 2413, 2415, 2416, 2753, 2763, 2764, 2771, 2773, 2775, and 2776 of this title, repealing sections 2151j and 2200 of this title, enacting provisions set out as notes under sections 2166, 2175, 2311, 2370, 2399, 2406, 2415, 2431 to 2433, 2551, and 2764 of this title, and repealing provisions set out as a note under this section] may be cited as the 'Foreign Assistance Act of 1974'."

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93–189 provided: "That this Act [which enacted sections 2151a to 2151*l*, 2303, 2399–1a, 2399–1b, 2399c, 2399d, 2431 to 2434 and 2794 of this title, amended this section and sections 285n, 1934, 2163, 2171, 2174, 2181, 2183, 2195, 2200, 2212, 2219a, 2221, 2222, 2261, 2291, 2291a, 2311, 2312, 2314, 2318, 2321b, 2321f, 2346a, 2367, 2370, 2385, 2394, and section 2397 of this title, repealed sections 2314a, 2319 to 2321, 2321e, 2321g, and 2346a, of this title, and enacted provisions set out as notes under this section and sections 1942, 2163, 2220, 2415, and 2431 of this title] may be cited as the "Foreign Assistance Act of 1973'."

SHORT TITLE OF 1972 AMENDMENT

Section 1 of Pub. L. 92–226, Feb. 7, 1972, 86 Stat. 20 provided: "That this Act [which enacted sections 2180a, 2199(g), 2222(f), 2291, 2292, 2321b(e), 2321d to 2321g, 2346 to 2346b, 2370(v), (w), 2384(e), and 2413 to 2418 of this title, amended sections 276, 290f, 1476, 1928b, 2162(a), 2163, 2169, 2172, 2174(c), 2181, 2183(i), 2198(c), 2200(h), 2212(a), 2219a, 2222(a), (b)(2), (e), 2261(a), 2312(a), 2314(b)(2), (e), 2318(a), 2319(a), 2321b(a), (b), 2394(d), 2397(a), 2403(m), 2411, 2684, 2771, 2773(a), (c), and 2791 of this title and section 5314(9) of Title 5, repealed sections 2165, 2241 to 2243, and 2394(a) of this title, and enacted provisions set out as notes under section 287e, 2151, 2411, 2417, and 2680 of this title] may be cited as the 'Foreign Assistance Act of 1971'."

FUTURE OF UNITED STATES ASSISTANCE TO SOUTH VIETNAM, REDUCTION OF CERTAIN PERSONNEL ABROAD; REPORTS TO CONGRESS

Pub. L. 93–475, § 15, Oct. 26, 1974, 88 Stat. 1443 provded that:

"(a) It is the sense of the Congress that—

"(1) the Secretary of State should prepare a detailed plan for future United States economic and military assistance to the Government of South Vietnam, including a specific timetable for the phased reduction of such assistance to the point when the United States will cease to be the principal source of funds and material for South Vietnam's self-defense and economic viability;

"(2) the total number of personnel of the executive branch of the United States Government (other than personnel of the Department of State, the United States Information Agency, the Central Intelligence Agency, and the Department of Defense, and volunteers carrying out the Peace Corps Act [section 2501 et seq. of this title] who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced; and

"(3) the total number of personnel of the Department of Defense assigned or detailed to military attache activities or to military assistance advisory groups or military aid missions, who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced.

"(b) Not later than six months after the date of enactment of this Act [Oct. 26, 1974] the Secretary shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps he has taken to carry out the provisions of this section."

ACCESS TO CERTAIN MILITARY BASES ABROAD

Section 29(b) of Pub. L. 93–559, Dec. 30, 1974, 88 Stat. 1803, repealed provisions of section 29 of Pub. L. 93–189 relating to access to certain military bases abroad, such provisions having been enacted by section 29(a) of Pub. L. 93–559 as section 2419 of this title.

TERMINATION OF INDOCHINA WAR.

Section 30 of Pub. L. 93–189 provided that: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia."

LIMITATION ON USE OF FUNDS

Section 31 of Pub. L. 93–189 provided that: "No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary combat operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are conducted by the forces of that government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act [Dec. 17, 1973]."

DENIAL OF ASSISTANCE TO GOVERNMENTS PRACTICING INTERNMENT FOR POLITICAL PURPOSES

Section 32 of Pub. L. 93–189 provided that: "It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes."

AUTHORIZATION OF APPROPRIATION TO THE ALBERT SCHWEITZER HOSPITAL

Section 33 of Pub. L. 93–189 provided that: "There is authorized to be appropriated to the President for fiscal year 1974 $1,000,000 to make grants, on such terms and conditions as he may specify, to the Albert Schweitzer Hospital in Gabon."

COOPERATION FOR INFORMATION RELATING TO PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

Section 34 of Pub. L. 93–189 provided that:

"(a) The Congress declares that—

"(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

"(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973, requires that 'None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and

South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.';

"(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vientiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Laos and that government in Vientiane on February 21, 1973, requiring the release of all prisoners 'regardless of nationality' captured and held in Laos), and paragraph C of such article 18 provides that, within '15 to 30 days' from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who died in captivity; and

"(4) few of the United States men lost in Laos during the military engagement in Indochina have been returned, and with knowledge about many of these men not yet being fully disclosed, and the North Vietnam cease-fire provisions calling for inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

"(b) It is, therefore, the sense of the Congress that—

"(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

"(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina."

PROTECTION OF HUMAN RIGHTS AND SUPPORT OF INTERNATIONAL HUMANITARIAN ACTIVITIES IN CHILE

Section 35 of Pub. L. 93–189 provided that: "It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile."

PROHIBITION ON ASSISTANCE TO NORTH VIETNAM

Section 37 of Pub. L. 93–189 provided that: "Notwithstanding any other provision of law, no funds authorized by this Act [see Short Title note hereunder] shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized."

REPORT CONCERNING CERTAIN USE OF MILITARY ASSISTANCE IN AFRICA

Section 38 of Pub. L. 93–189 provided that:

"The President of the United States shall, as soon as practicable following the date of the enactment of this Act [Dec. 17, 1973], make a determination and report to Congress with respect to the use, if any, by any non-African country in support of its military activities in its African terriorities of—

"(1) assistance furnished under the Foreign Assistance Act of 1961 [see Short Title note hereunder] after the date of the enactment of this Act;

"(2) defense articles or services furnished after such date under the Foreign Military Sales Act [section 2751 et seq. of this title]; or

"(3) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954 [section 1691 et seq. of Title 7]."

USE OF ACCRUED FOREIGN CURRENCIES

Section 40 of Pub. L. 93–189 provided that: "Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any agreement entered into after the date of the enactment of this Act [Dec. 17, 1973], or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security, unless such agreement is specifically authorized by legislation enacted after such date."

FOOD-FOR-PEACE PROGRAM; FOREIGN ASSISTANCE AUTHORIZATIONS REDUCTION WITHOUT REDUCTION OF FUNDS FOR FOOD-FOR-PEACE PROGRAM

Pub. L. 92–226, § 2, Feb. 7, 1972, 86 Stat. 20, provided that: "It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961 [see Short Title note under this section]."

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2162, 2212 of this title.

§ 2151a. Food and nutrition.

(a) General authorization.

In order to alleviate starvation, hunger, and malnutrition, and to provide basic services to poor people, enhancing their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $291,000,000 for the fiscal year 1974, and $500,000,000 for the fiscal year 1975, $618,800,000 for the fiscal year 1976 and $745,000,000 for the fiscal year 1977, which amounts are authorized to remain available until expended.

(b) Congressional findings.

The Congress finds that, due to rising world food, fertilizer, and petroleum costs, human suffering and deprivation are growing in the poorest and most slowly developing countries. The greatests potential for significantly expanding world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the nearly one billion people living in those countries. Increasing the emphasis on rural development and expanded food production in the poorest nations

of the developing world is a matter of social justice as well as an important factor in slowing the rate of inflation in the industrialized countries. In the allocation of funds under this section, special attention should be given to increasing agricultural production in the countries with per capita incomes under $300 a year and which are the most severely affected by sharp increases in worldwide commodity prices.

(c) Activities for increasing productivity and income of rural poor.

Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of local or small-scale rural infrastructure and utilities such as farm-to-market roads, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, and improved seed, in ways which assure access to them by small farmers.

(d) Foreign currency proceeds.

Foreign currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

(e) International Fund for Agricultural Development; authorization of appropriations for United States contribution.

In order to carry out the purposes of this section, the President is authorized to participate in and provide, on such terms and conditions as he may determine, up to $200,000,000 to the International Fund for Agricultural Development. There is authorized to be appropriated to the President without fiscal year limitation $200,000,000 for such contribution.

(f) Articles of Agreement for International Fund for Agricultural Development; review and approval by Congressional Committees; combined goal of donor commitments: reduction of United States contribution; equitable burden sharing among contributors.

No funds may be obligated to carry out subsection (e) of this section unless—

(1) satisfactory agreement is reached on the Articles of Agreement for the International Fund for Agricultural Development;

(2) such Articles of Agreement are reviewed and approved by the Senate Committee on Foreign Relations and the House Committee on International Relations;

(3) all donor commitments to the International Fund for Agricultural Development total at least $1,000,000,000 equivalent in convertible currencies, except that the United States contribution shall be proportionally reduced if this combined goal is not met; and

(4) there is equitable burden sharing among the different categories of contributors.

(g) Data concerning International Fund for Agricultural Development; submittal to Congress.

The President shall submit to the Congress full and complete data concerning United States participation in, and operation of, the International Fund for Agricultural Development in the annual presentation materials on proposed economic assistance programs. (Pub. L. 87–195, pt. I, § 103, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, and amended Pub. L. 93–559, § 2, Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, § 302, Dec. 20, 1975, 89 Stat. 856.)

REFERENCES IN TEXT

Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (d), is classified in chapter 41 of Title 7, Agriculture.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161, § 302(1), authorized appropriation of $618,800,000 and $745,000,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (c)–(g). Pub. L. 94–161, § 302(2), added subsecs. (c) to (g).

1974—Subsec. (a). Pub. L. 93–559, § 2(1), (2), designated existing provisions as subsec. (a) and increased appropriations authorization for fiscal year 1975 to $500,000,000 from $291,000,000.

Subsec. (b). Pub. L. 93–559, § 2(3), added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h, 2220a, 2220d of this title; title 7 sections 1706, 1726.

§ 2151a–1. Agricultural research.

Agricultural research carried out under this chapter shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology. (Pub. L. 87–195, pt. I, § 103A, as added Pub. L. 94–161, title III, § 303, Dec. 20, 1975, 89 Stat. 857.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220a of this title.

§ 2151b. Population planning and health.

(a) In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $145,000,000 for the fiscal year 1974, and

$165,000,000 for the fiscal year 1975, $243,100,000 for the fiscal year 1976 and $275,600,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Not less than 67 percent of the funds made available under this section for any fiscal year shall be used for population planning, either in separate programs or as an element of health programs.

(b) Assistance provided under this section shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor. (Pub. L. 87–195, pt. I, § 104, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, and amended Pub. L. 93–559, § 4(i), Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94–161, title III, § 304, Dec. 20, 1975, 89 Stat. 857.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161, § 304(1)–(3), designated existing provisions as subsec. (a), authorized appropriations of $243,100 and $275,600,000 for fiscal years 1976 and 1977, and prescribed minimum percentage (67) of funds available for any fiscal year to be used for population planning, either in separate programs or as an element of health programs.

Subsec. (b). Pub. L. 94–161, § 304(4), added subsec. (b).

1974—Pub. L. 93–559 increased appropriations authorization for fiscal year 1975 to $165,000,000 from $145,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h, 2151m of this title; title 7 section 1706.

§ 2151c. Education and human resources development.

(a) General authority.

In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for the fiscal year 1974, and $92,000,000 for the fiscal year 1975, $89,200,000 for the fiscal year 1976 and $101,800,000 for the fiscal year 1977, which amounts are authorized to remain available until expended.

(b) Assistance related to nonformal education methods, formal education systems, and management capabilities of institutions directed at the poor.

Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve producitve skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development.

(c) Educational assistance to Southern Africans.

Of the amount authorized to be appropriated by subsection (a) of this section, not less than $1,000,000 shall be available to support the southern African student program and the southern African training program, for the purpose of providing educational assistance to Southern Africans. (Pub. L. 87–195, pt. I, § 105, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, and amended Pub. L. 93–559, § 5, Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, § 305, Dec. 20, 1975, 89 Stat. 858.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161, § 305(a) (1), (2), designated existing provisions as subsec. (a) and authorized appropriation of $89,200,000 and $101,800,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (b), (c). Pub. L. 94–161, § 305(a)(3), added subsecs. (b) and (c).

1974—Pub. L. 93–559 increased appropriations authorization for fiscal year 1975 to $92,000,000 from $90,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h of this title.

§ 2151d. Technical assistance for programs relating to energy, research, reconstruction, and selected development problems; authorization of appropriations; reimbursement of domestic private voluntary agencies for costs of shipment of food and nonfood commodities donated privately.

(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 2151a, 2151b, and 2151c of this title:

(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

(2) programs to help developing countries alleviate their energy problems by increasing their production and conservation of energy, through such means as research and development of suitable energy sources and conservation methods, collection and analysis of information concerning countries' potential supplies of and needs for energy, and pilot projects to test new methods of production or conservation of energy;

(3) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

(4) programs of reconstruction following natural or manmade disasters;

(5) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastruc-

ture and related projects funded with earlier United States assistance; and

(6) programs of urban development, with particular[1] emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $99,550,000 for the fiscal year 1976 and $104,500,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Of the amounts made available under this section, not less than $30,000,000 shall be available during the period beginning July 1, 1975, and ending September 30, 1977, only for reimbursement to private voluntary agencies of the United States for costs incurred with respect to the shipment of food and nonfood commodities provided through private donations. (Pub. L. 87–195, pt. I, § 106, as added Pub. L. 94–161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 858.)

CODIFICATION

A prior section 2151d, Pub. L. 87–195, pt. I, § 106, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $53,000,000 for fiscal years 1974, and 1975, for assistance to solve selected development problems in such fields as transportation, power, industry, urban development, and export development, was repealed by section 306(1) of Pub. L. 94–161, and is now covered by this section.

§ 2151e. Intermediate technology.

Of the funds made available to carry out this part for the fiscal years 1976, 1977, and 1978, a total of $20,000,000 may be used for activities in the field of intermediate technology, through grants in support of an expanded and coordinated private effort to promote the development and dissemination of technologies appropriate for developing countries. The Agency for International Development shall prepare a detailed proposal to carry out this section and shall keep the Senate Foreign Relations Committee and the House International Relations Committee fully and currently informed concerning the development of the proposal. The proposal shall be transmitted to these committees no later than March 31, 1976, and shall not be implemented until thirty days after its transmittal or until passage by each committee of a resolution in effect approving its implementation. (Pub. L. 87–195, pt. I, § 107, as added Pub. L. 94–161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 859.)

CODIFICATION

A prior section 2151e, Pub. L. 87–195, pt. I, § 107, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $39,000,000 for fiscal years 1974, and 1975, for assistance to select countries and organizations in support of general economy of recipient countries as for development programs conducted by private international organizations, was repealed by section 306(1) of Pub. L. 94–161, and is now covered by section 2151d of this title.

§ 2151f. Application of existing provisions.

Assistance under this part shall be furnished in accordance with the provisions of subparts I, II, or X of part II of this subchapter, and nothing in this part shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this chapter or any other Act in accordance with which assistance furnished under this part would otherwise have been provided. (Pub. L. 87–195, pt. I, § 108, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151g of this title.

§ 2151g. Transfer of funds.

Notwithstanding section 2151f of this title, whenever the President determines it to be necessary for the purposes of this part, not to exceed 15 per centum of the funds made available for any provision of this part may be transferred to, and consolidated with, the funds made available for any other provision of this part, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The authority of sections 2360(a) and 2364(a) of this title may not be used to transfer funds made available under this part for use for purposes of any other provision of this chapter. (Pub. L. 87–195, pt. I, § 109, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat 716.)

§ 2151h. Cost-sharing and funding limits.

(a) No assistance shall be furnished by the United States Government to a country under sections 2151a through 2151e of this title until the country provides assurances to the President, and the President is satisfied, that such country will provide at least 25 per centum of the costs of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "in-kind" basis and except that the President may waive this cost-sharing requirement in the case of a project or activity in a country which the agency primarily responsible for administering this subchapter determines is relatively least developed based on the United Nations Conference on Trade and Development list of "relatively least developed countries".

(b) No grant assistance shall be disbursed by the United States Government under sections 2151a through 2151e of this title for a project, for a period exceeding thirty-six consecutive months. without further justification satisfactory to the Congress and efforts being made to obtain sources of financing within that country and from other foreign countries and multilateral organizations. (Pub. L. 87–195, pt. I, § 110, as added Pub. L. 93–189, § 2(3), Dec 17, 1973, 87 Stat. 716, and amended Pub. L. 94–161, title III, § 307, Dec. 20, 1975, 89 Stat. 859.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161 authorized Presidential waiver of cost-sharing as a condition for being furnished project or activity assistance in the case of a relatively least developed country.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220d of this title.

[1] So in original.

§ 2151i. Development and use of cooperatives.

In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this chapter for assistance in the development of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life. Not less than $20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance to carry out the purposes of this section. (Pub. L. 87–195, pt. I, § 111, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716, and amended Pub. L. 94–161, title III, § 308, Dec. 20, 1975, 89 Stat. 859.)

AMENDMENTS

1975—Pub. L. 94–161 earmarked not less than $20,000,000 for technical assistance during fiscal years 1976 and 1977, including period from July 1, 1976, through Sept. 30, 1976, and deleted similar provision making such minimum sum available for use during fiscal years 1974 and 1975.

§ 2151j. Repealed. Pub. L. 93–559, § 30(b), Dec. 30, 1974, 88 Stat. 1804.

Section, Pub. L. 87–195, pt. I, § 112, as added Pub L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716, related to police training prohibition and is now covered by section 2420 of this title.

§ 2151k. Integrating women into national economies.

This subchapter shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort. (Pub. L. 87–195, pt. I, § 113, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 716, and amended Pub. L. 94–161, title III, § 309, Dec. 20, 1975, 89 Stat. 860.)

AMENDMENTS

1975—Pub. L. 94–161 substituted "This subchapter" for "Sections 2151a through 2151e of this title".

§ 2151*l*. Limiting use of funds for abortions.

None of the funds made available to carry out this subchapter shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. (Pub. L. 87–195, pt. I, § 114, as added Pub. L. 93–189. § 2(3), Dec. 17, 1973, 87 Stat. 716.)

§ 2151m. Prohibiting use of funds for certain countries.

(a) Assistance furnished under other provisions.

None of the funds made available to carry out this part may be used in any fiscal year for any country to which assistance is furnished in such fiscal year under part IV of subchapter II (security supporting assistance), subchapter IV (assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos), subchapter V (assistance for Middle East peace) of this chapter, or section 36 of the Foreign Assistance Act of 1974.

(b) Waiver.

The prohibition contained in subsection (a) of this section may not be waived under section 2364(a) of this title or under any other provision of law.

(c) Exemptions.

This section shall not apply to funds made available under section 2151b of this title for purposes of subpart X of part II of this subchapter (programs relating to population growth), funds made available for humanitarian assistance through international organizations, and funds obligated for regional programs. (Pub. L. 87–195, pt. I, § 115, as added Pub. L. 93–559, § 20, Dec. 30, 1974, 88 Stat. 1800.)

REFERENCES IN TEXT

Section 36 of the Foreign Assistance Act of 1974, referred to in subsec. (a), is set out as a note under section 2432 of this title.

§ 2151n. Human rights and development assistance; report to Speaker of the House and Committee on Foreign Relations of the Senate.

(a) No assistance may be provided under this subchapter to the government of any country which engages in a consistent pattern of gross violations of internationaly recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this subchapter, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering this subchapter to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(c) In determining whether or not a government falls within the provisions of subsection (a) of this section, consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section. (Pub. L. 87–195, pt. I, § 116, as added Pub. L. 94–161, title III, § 310, Dec. 20, 1975, 89 Stat. 860.)

PART II.—DEVELOPMENT ASSISTANCE

Subpart I.—Development Loan Fund

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2151f of this title.

§ 2162. Authorization of appropriations.

(a) Amount; availability; encouragement of development through private enterprise.

There is authorized to be appropriated to the President for the purposes of this subpart $685,000,000 for the fiscal year 1967, $450,000,000 for the fiscal year 1968, $350,000,000 for the fiscal year 1969, $350,000,000 for the fiscal year 1970, $350,000,000 for the fiscal year 1971, $250,000,000 for the fiscal year 1972, and $250,000,000 for the fiscal year 1973, which sums shall remain available until expended: *Provided,* That any unappropriated portion of the amount authorized to be appropriated for any such fiscal year may be appropriated in any subsequent fiscal year during the above period in addition to the amount otherwise authorized to be appropriated for such subsequent fiscal year: *Provided further,* That in order to effectuate the purposes and provisions of sections 2151, 2161, 2351, and 2352 of this title, not less than 50 per centum of the funds appropriated pursuant to this subsection for each of the fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, and June 30, 1973, shall be available for loans made to encourage economic development through private enterprise.

* * * * *

(As amended Pub. L. 92–226, pt. I, § 101(a), Feb. 7 1972, 86 Stat. 21.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–226 authorized appropriation of $250,000,000 for fiscal years 1972 and 1973, and required minimum of 50 per centum of such appropriation authorization for fiscal years ending June 30, 1972 and 1973, to be made available for loans to encourage economic development through private enterprise.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2211 of this title.

§ 2163. Repealed. Pub. L. 93–189, § 3(b), Dec. 17, 1973, 87 Stat. 717.

Section, Pub. L. 87–195, pt. I, § 203, Sept. 4, 1961, 75 Stat. 427; Pub. L. 91–175, pt. I, § 101(b), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 101(b), Feb. 7, 1972, 86 Stat. 21; Pub. L. 93–189, § 3(a), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, § 6, Dec. 30, 1974, 87 Stat. 1796, authorized use of not more than 50 per centum of dollar receipts scheduled to be paid during each of the fiscal years 1974 and 1975 from loans made under this subchapter and predecessor foreign assistance legislation for making loans under part I of this subchapter for each such fiscal year, and disposition of dollar receipts paid on and after July 1, 1975.

EFFECTIVE DATE OF REPEAL

Section 3(b) of Pub. L. 93–189 provided in part that the repeal of this section shall be effective July 1, 1975.

§ 2165. Repealed. Pub. L. 92–226, pt. I, § 101(d), Feb. 7, 1972, 86 Stat. 21.

Section, Pub. L. 87–195, pt. I, § 205, Sept. 4, 1961, 75 Stat. 427; Pub. L. 89–171, pt. I, § 102(a), Sept. 6, 1965, 79 Stat. 653; Pub. L. 89–583, pt. I, § 102(c), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90–137, pt. I, § 102(d), Nov. 14, 1967, 81 Stat. 447, provided for use of international lending organizations, and is now covered by section 2169(d) of this title.

§ 2166. Regional development in Africa.

AFRICAN ASSISTANCE POLICY; PRESIDENTIAL REPORT TO CONGRESS

Pub. L. 93–559, § 49, Dec. 30, 1974, 88 Stat. 1816, provided that: "The President is requested to review the regional allocation of economic development assistance and to increase Africa's share of the Agency for International Development loans and grants. A special effort should be made to provide more assistance to the sixteen of the world's twenty-five least developed countries that are in Africa and to the fourteen African nations that are judged to be most seriously affected by rising costs of food and fuel. The President is requested to make a report to Congress on action taken to provide the developing countries of Africa with an equitable share of United States economic assistance at the time that the Agency for International Development's operational year budget for fiscal year 1975 is submitted to Congress and again with the submission to Congress of the proposed Agency for International Development budget for fiscal year 1976."

PORTUGUESE AFRICAN TERRITORIES OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU: INDEPENDENCE POLICY; REPORTS TO CONGRESS

Pub. L. 93–559, § 50, Dec. 30, 1974, 88 Stat. 1816, provided that:

"(a)(1) Congress finds that the Government of Portugal's recognition of the right to independence of the African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

"(2) Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international organizations and the community of nations.

"(3) Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that Government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organization.

"(b) Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories:

"(1) An official statement should be issued of United States support for the independence of Angola, Mozambique and Guinea-Bissau, and of our desire to have good relations with the future governments of the countries.

"(2) It should be made clear to the Government of of Portugal that we view the efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty Organization partnership.

"(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and the protection of human rights of all citizens of the three territories.

"(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

"(5) The economic development needs of the three territories will be immense when independence is achieved. Therefore, it is urged that the United States Agency for International Development devote attention to assessing the economic situation in Angola,

Mozambique, and Guinea-Bissau and be ready to cooperate with the future governments in providing the kind of assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilateral and multilateral, in seeking significant contribution of development assistance for the three territories.

"(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

"(c) Reports should be submitted to the Congress on the implementation of the proposals set forth in subsection (b) and Congress should be kept fully informed on developments in United States policy toward the independence of the Portuguese African territories."

§ 2169. Multilateral, regional, and bilateral programs.

(a) Multilateral programs.

The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.

* * * * *

(c) Federal funds to multilateral lending institutions and multilateral organizations for loans to foreign countries; increase.

It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organizations in which the United States participates for use by such institutions and organizations in making loans to foreign countries.

(d) Transfer of funds; use of international or multilateral lending organizations.

In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this subchapter I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries. (As amended Pub. L. 92–226, pt. I, § 101(c), Feb. 7, 1972, 86 Stat. 21; Pub. L. 94–161, title III, § 311(1), Dec. 20, 1975, 89 Stat. 860.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–161 substituted provision for increase of Federal funds to multilateral lending institutions and multilateral organizations for making loans to foreign countries for prior provision for reduction of loans under the bilateral lending programs to attain a total amount not to exceed $100,000,000 not later than June 30, 1975.

1972—Subsec. (a). Pub. L. 92–226, § 101(c)(1), provided for United Nations sponsorship of development assistance and deleted from "may, in some instances. contribute" the words ", in some instances,".

Subsecs. (c), (d). Pub. L. 92–226, § 101(c)(2), added subsecs. (c) and (d).

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

Subpart II.—Technical Cooperation and Development Grants

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2151f of this title.

§ 2171. General authority.

(a) Promotion of economic development through programs of technical cooperation and development; considerations; limitation on countries to receive assistance; self-help projects.

The President is authorized to furnish assistance on such terms and conditions as he may determine in order to promote the economic development of less developed friendly countries and areas, with emphasis upon assisting the development of human resources through such means as programs of technical cooperation and development. In so doing, the President shall take into account (1) whether the activity gives reasonable promise of contributing to the development of educational or other institutions and programs directed toward social progress, (2) the consistency of the activity with, and its relationship to, other development activities being undertaken or planned, and its contribution to realizable long-range development objectives, (3) the economic and technical soundness of the activity to be financed, (4) the extent to which the recipient country is showing a responsiveness to the vital economic, political, and social concerns of its people, and demonstrating a clear determination to take effective self-help measures and a willingness to pay a fair share of the cost of programs under this subpart, (5) the possible adverse effects upon the United States economy, with special reference to areas of substantial labor surplus, of the assistance involved, (6) the desirability of safeguarding the international balance of payments position of the United States, (7) the degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise, and (8) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth. If the President finds that assistance proposed to be furnished under this subpart would have a substantially adverse effect upon the United States economy, or a substantial segment thereof, the assistance shall not be furnished. The authority of this subpart shall not be used to furnish assistance directly to more than forty countries in any fiscal year, except that up to

$600,000 may be used for self-help projects in additional countries during such fiscal year.

* * * * *

(As amended Pub. L. 93–189, § 4(1), Dec. 17, 1973, 87 Stat. 717.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–189 substituted "furnish assistance directly to more than forty countries" for "furnish assistance to more than forty countries".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2172, 2176, 2177, 2220d of this title.

§ 2172. Authorization of appropriations.

To carry out the purposes of section 2171 of this title, there is authorized to be appropriated to the President $175,000,000 for the fiscal year 1972, and $175,000,000 for the fiscal year 1973, which amounts are authorized to remain available until expended. (As amended Pub. L. 92–226, pt. I, § 102(a), Feb. 7, 1972, 86 Stat. 22.)

AMENDMENTS

1972—Pub. L. 92–226 authorized appropriations of $175,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $183,500,000 for fiscal years 1970 and 1971.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2171, 2180, 2358, 2396 of this title.

§ 2174. American schools, libraries and hospital centers abroad.

* * * * *

(c) Authorization of appropriations.

To carry out the purposes of this section, there are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975 $19,000,000, and for each of the fiscal years 1976 and 1977, $25,000,000 which amounts are authorized to remain available until expended.

(d) Authorization of appropriations of funds available in foreign currencies in excess of normal requirements.

There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for each of the fiscal years 1974 and 1975 $6,500,000 and for each of the fiscal years 1976 and 1977, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

(e) Recommendations to assist schools, libraries, and hospital centers outside the United States.

Not later than June 30, 1974, the Secretary of State shall submit to the Congress such recommendations (including recommendations concerning which agency of the United States Government should administer such assistance) as he considers desirable for assistance to schools, libraries, and hospital centers for medical education and research, outside the United States, founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States. (As amended Pub. L. 92–226, pt. I, § 102(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 4(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 94–161, title III, § 311(2), Dec. 20, 1975, 89 Stat. 861.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–161, § 311(2)(A), authorized appropriation of $25,000,000 for fiscal years 1976 and 1977.

Subsec. (d). Pub. L. 94–161, § 311(2)(B), authorized additional appropriation of $7,000,000 for fiscal years 1976 and 1977.

1973—Subsec. (c). Pub. L. 93–189 substituted provisions authorizing appropriations for the fiscal years 1974 and 1975, for provisions authorizing appropriations for the fiscal years 1972 and 1973 and directing that any amounts appropriated for the fiscal year 1970 be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91–611 and on page 23 of Senate Report No. 91–603.

Subsec. (d). Pub. L. 93–189 substituted provisions authorizing the appropriation in fiscal years 1974 and 1975 of $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be in excess to the normal requirements of the United States, for provisions authorizing the appropriation for the purposes of subsec. (b) of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1970, of $3,000,000 in foreign currencies which the Secretary of the Treasury determines to be in excess of the normal requirement of the United States and directing that foreign currencies thus appropriated be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91–603.

Subsec. (e). Pub. L. 93–189 added subsec. (e).

1972—Subsec. (c). Pub. L. 92–226 authorized appropriations of $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $25,900,000 for fiscal year 1970, and $12,900,000 for fiscal year 1971.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2370 of this title; title 40 section 512.

§ 2175. Loans to small farmers.

POLICY WITH RESPECT TO COUNTRIES MOST SERIOUSLY AFFECTED BY FOOD SHORTAGES; PRESIDENTIAL REPORT TO CONGRESS.

Pub. L. 93–559, § 55, Dec. 30, 1974, 88 Stat. 1819, provided that:

"(a) The United Nations has designated thirty-two countries as 'Most Seriously Affected' by the current economic crisis. These are countries without the internal food production capability or the foreign exchange availability to secure food to meet their immediate food requirements. The Congress calls upon the President and Secretary of State to take the following actions designed to mobilize appropriate resources to meet the food emergency:

"(1) Review and make appropriate adjustments in the level of programming of our food and fertilizer assistance programs with the aim of increasing to the maximum extent feasible the volume of food and fertilizer available to those countries most seriously affected by current food shortages.

"(2) Call upon all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to immediately increase their participation in efforts to address the emergency food needs of the developing world.

"(3) Make available to these most seriously affected countries the maximum feasible volume of food commodities, with appropriate regard to the current domestic price and supply situations.

"(4) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation on steps which are being taken to help meet this food emergency. In accordance with this provision, the President shall report to the Congress on a global assessment of food needs for fiscal year 1975, specifying expected food grain deficits and currently planned programming of food assistance, and steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance. Such report should reach the Congress promptly and should be supplemented quarterly for the remainder of fiscal year 1975.

"(5) The Congress directs that during the fiscal year ending June 30, 1975, not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to the appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

"(6) The Congress calls upon the President to proceed with the implementation of resolutions and recommendations adopted by the World Food Conference. The Congress believes that it is incumbent upon the United States to take a leading role in assisting in the development of a viable and coherent world food policy which would begin the task of alleviating widespread hunger and suffering prevalent in famine-stricken nations. The President shall report to the Congress within 120 days of enactment of this Act [Dec. 30, 1974] on the implementation of the resolutions and the extent to which the United States is participating in the implementation of resolutions adopted at the World Food Conference."

§ 2175a. Ceiling on fertilizers to South Vietnam.

(a) None of the moneys made available under this chapter or the Foreign Assistance Act of 1974 may be used, beginning on December 30, 1974, during fiscal year 1975 to procure agricultural fertilizers for, or to provide such fertilizers to, South Vietnam.

(b) During each fiscal year after fiscal year 1975, of the total amount obligated or expended for such fiscal year under this chapter to procure agricultural fertilizers for, or to provide such fertilizers to, foreign countries, not more than one-third of such amount may be obligated or expended to procure such fertilizers for, or provide such fertilizers to, South Vietnam. (Pub. L. 93–559, § 3, Dec. 30, 1974, 88 Stat. 1795.)

REFERENCES IN TEXT

"This chapter" referred to in text, was in the original "the Foreign Assistance Act of 1961", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see Short Title note under section 2151 of this title.

For classification in the Code of Foreign Assistance Act of 1974, referred to in subsec. (a), see Short Title note under section 2151 of this title.

CODIFICATION

Section was enacted as a part of Foreign Assistance Act of 1974, and not as a part of Foreign Assistance Act of 1961, which is classified to this chapter.

§ 2178. Fish and other protein concentrates.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2179. Prototype desalting plant.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2180. Programs for peaceful communication.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2180a. Suez Canal; authorization of President; authorization of appropriations: Egyptian pounds owned by United States.

The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended. (Pub. L. 87–195, pt. I, § 220A, as added Pub. L. 92–226, pt. I, § 102(c), Feb. 7, 1972, 86 Stat. 22.)

Subpart III—Housing and other Credit Guaranty Programs

AMENDMENTS

1974—Pub. L. 93–559, § 8(a)(1), Dec. 30, 1974, 88 Stat. 1796, substituted subpart III heading "Housing and Other Credit Guaranty Programs" for "Housing Guaranties."

§ 2181. Worldwide housing guaranties.

In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors as defined in section 2198(c) of this title, assuring against loss of loan investments for self-liquidating housing projects. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed $430,000,000. Such guaranties shall be issued under the conditions set forth in section 2182(b) and section 2183 of this title. (As amended Pub. L. 92–226, pt. I, § 103(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 5(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, § 7(1) (Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94–161, title III, § 311(3), Dec. 20, 1975, 89 Stat. 861.)

AMENDMENTS

1975 Pub. L. 94–161 substituted "$430,000,000" for "$355,000,000".

1974—Pub. L. 93–559 substituted $355,000,000 for $305,000,000.

1973—Pub. L. 93–189 substituted "$305,000,000" for "$205,000,000".

1972—Pub. L. 92–226 substituted "$205,000,000" for "$130,000,000."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this title; title 12 section 1432, 1464.

§ 2182. Housing projects in Latin American countries.

* * * * *

(c) Limitations on investment guaranties.

The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $600,000,000: *Provided*, That $325,000,000 of such guaranties may be used only for the purposes of subsection (b)(1) of this section. (As amended Pub. L. 94–161, title III, § 311(4), Dec. 20, 1975, 89 Stat. 861.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–161 substituted "$600,000,000" for "$550,000,000".

SECTION REFERRED TO THE SECTIONS

This section is referred to in sections 2181, 2183 of this title.

§ 2182a. Agricultural and productive credit and self-help community development programs.

(a) Financing pilot programs; scope.

It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

(b) Guaranties; percentage limitation.

To carry out the purposes of subsection (a) of this section, the agency primarily responsible for administering this subchapter is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 50 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

(c) Total and individual amount of guaranties.

The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

(d) Inter-American Foundation consultations.

The Inter-American Foundation shall be consulted in developing criteria for making loans eligible for guaranty coverage in Latin America under this section.

(e) Guaranty reserve.

Not to exceed $3,000,000 of the guaranty reserve established under section 2183(b) of this title shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section or any guaranties previously issued under section 2200 of this title.

(f) Administrative and operating expenses; funds.

Funds held by the Overseas Private Investment Corporation pursuant to section 2196 of this title may be available for meeting necessary administrative and operating expenses for carrying out the provisions of this section through June 30, 1976.

(g) Transfer of Overseas Private Investment Corporation's obligations and assets.

The Overseas Private Investment Corporation shall, upon enactment of this subsection, transfer to the agency primarily responsible for administering this subsection all obligations, assets, and related rights and responsibilities arising out of, or related to the predecessor program provided for in section 2200 of this title.

(h) Termination of authority.

The authority of this section shall continue until December 31, 1977.

(i) Excess foreign currencies; use.

Notwithstanding the limitation in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

(j) Report to Congress.

The President shall, on or before January 15, 1976, make a detailed report to the Congress on the results of the program established under this section, together with such recommendations as he may deem appropriate. (Pub. L. 87–195, pt. I, § 222A, as added Pub. L. 93–559, § 8(a)(2), Dec. 30, 1974, 88 Stat. 1796.)

REFERENCES IN TEXT

Section 2200 of this title, referred to in subsecs. (e) and (g), was repealed by section 8(b) of Pub. L. 93–559 and is now covered by this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this title.

§ 2183. General provisions.

(a) Fees; determination by President; reduction.

A fee shall be charged for each guaranty issued under section 2181, 2182, or 2182a of this title, in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) Accumulated and existing fees; expenditure of fees.

The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 2181 and section 2182 of this title and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 2181 or 2182 of this title or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection.

* * * * *

(d) Guaranties as obligations backed by full faith and credit of United States.

All guaranties issued under section 2181, 2182, 2182a, or previously under section 2200 of this title or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

* * * * *

(i) Expiration of authority.

The authority of section 2181 and section 2182 of this title shall continue until September 30, 1978.

(j) Guaranties for housing projects; percentage requirement for families with income below median income; face value and average face value fiscal year limitations; face amount for Israel and Portugal.

Guaranties shall be issued under sections 2181 and 2182 of this title only for housing projects which (1) except for regional projects, are in countries which are receiving, or which in the previous two fiscal years have received, development assistance under part I of this subchapter, (2) are coordinated with and complementary to such assistance, and (3) are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this subpart, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Notwithstanding the provisions of the first sentence of this subsection, the President is authorized to issue housing guaranties until September 30, 1977, as follows: In Israel, not exceeding a face amount of $50,000,000, and in Portugal, not exceeding a face amount of $20,000,000. (As amended Pub. L. 92–226, pt. I, § 103(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 5(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, §§ 7(2), 8(a)(3)–(5), Dec. 30, 1974, 88 Stat. 1796, 1797; Pub. L. 94–161, title III, § 311(5), Dec. 20, 1975, 89 Stat. 861.)

REFERENCES IN TEXT

The guaranty authority repealed by the Foreign Assistance Act of 1969, referred to in subsecs. (b)–(d), (g), was the guaranty authority contained in sections 2181 to 2184 prior to the general reorganization of this subpart by the Foreign Assistance Act of 1969, Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805.

Section 2200 of this title, referred to in subsec. (d), was repealed by section 8(b) of Pub. L. 93–559, and is now covered by section 2182a of this title.

AMENDMENTS

1975—Subsec. (i). Pub. L. 94–161, § 311(5)(A), substituted "September 30, 1978" for "June 30, 1976".

Subsec. (j). Pub. L. 94–161, § 311(5)(B), added subsec. (j).

1974—Subsec. (a). Pub. L. 93–559, § 8(a)(3), included reference to section 2182a of this title.

Subsec. (b). Pub. L. 93–559, § 8(a)(4), substituted in first sentence "section 2181 and section 2182 of this title" for "this subpart".

Subsec. (d). Pub. L. 93–559, § 8(a)(5), substituted "section 2181, 2182, 2182a, or previously under section 2200 of this title" for "section 2181 or section 2182 of this title".

Subsec. (i). Pub. L. 93–559, § 7(2), substituted "June 30, 1976" for "June 30, 1975".

1973—Subsec. (i). Pub. L. 93–189 substituted "June 30, 1975" for "June 30, 1974".

1972—Subsec. (i). Pub. L. 92–226 extended termination date to June 30, 1974, from June 30, 1972.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b), of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2181, 2182a, 2195 of this title.

Subpart IV.—Overseas Private Investment Corporation

§ 2191. Congressional statement of purpose.

To mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the "Corporation"), which shall be an agency of the United States under the policy guidance of the Secretary of State.

In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

(a) to conduct financing, insurance, and reinsurance operations on a self-sustaining basis, taking into account in its financing operations the economic and financial soundness of projects;

* * * * *

(d) to conduct its insurance operations with due regard to principles of risk management including efforts to share its insurance and reinsurance risks;

(e) to give preferential consideration in its investment insurance, financing, and reinsurance activities (to the maximum extent practicable consistent with the Corporation's purposes) to investment projects involving businesses of not more than $2,500,000 net worth or with not more than $7,500,000 in total assets;

* * * * *

(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering subchapter I of this chapter and the international trade, investment, and financial policies of the United States Government;

(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(*l*) to the maximum extent practicable, to give preferential consideration in the Corporation's investment insurance, financing, and reinsurance activities to investment projects in the less developed friendly countries which have per capita incomes of $450 or less in 1973 United States dollars; and

(m)(1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States production he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1).

(As amended Pub. L. 93–390, § 2(1), Aug. 27, 1974, 88 Stat. 763.)

AMENDMENTS

1974—Pub. L. 93–390 in introductory paragraph substituted "social development" for "social progress", in cl. (a) added provisions for conducting insurance and reinsurance operations and substituted provisions requiring in financial operations consideration of economic and financial soundness of projects for provisions requiring consideration of economic and financial soundness of projects and availability of financing from other sources on appropriate terms, in cl. (d) substituted "efforts to share its insurance and reinsurance" for "when appropriate, efforts to share its insurance", in cl. (e) substituted provisions requiring preferential treatment to investment projects involving businesses with enumerated net worth or total assets for provisions requiring utilization and encouragement for full participation in Corporation programs of small businesses, in cl. (i) added "and employment" preceding "objectives", and added cls. (*l*) and (m).

SHORT TITLE

Section 1 of Pub. L. 93–390 provided: "That this Act [which amended this section and sections 2194, 2195, 2197, 2199, 2200 and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1974'."

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

EX. ORD. NO. 11579. OVERSEAS PRIVATE INVESTMENT CORPORATION

Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, provided: By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act") [this chapter], and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation.* All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234 (a), (b) and (d) of the Act [section 2194 (a), (b) and (d) of this title] are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

SEC. 2. *Delegation of functions.* (a) The functions conferred upon the President by sections 621(b), 625(d)(1), 627, 628, 629(b), 630, and 635(d) of the Act [sections 2381(b), 2385(d)(1), 2387, 2388, 2389(b), 2390, and 2395 (d) of this title] insofar as such functions relate to the operation of the Corporation, its activities, or personnel are hereby delegated to the Corporation: *Provided*, That the concurrence of the Secretary of State shall be required with respect to the exercise by the Corporation of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act [section 2385(d)(1) of this title] as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 [section 801 et seq. of this title] for persons employed or assigned by the Corporation.

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and em-

ployees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Civil Service Commission.

SEC. 3. *Allocation and transfer of funds.* Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) [section 2192 of this title] which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions.* (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended [set out as a note under this section], is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2199 of this title.

§ 2192. Capital of the Corporation.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2194. Investment insurance and other programs.

The Corporation is hereby authorized to do the following:

(a) Investment insurance.

* * * * *

(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder, except that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this subpart and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing, and that the maximum share of liabilities so assumed under paragraph (1) (A) and (B) or paragraph (1) (C) shall not exceed the Corporation's proportional share for such liabilities as specified in paragraph (4) or (5) of this subsection.

* * * * *

(4) (A) It is the intention of Congress that the Corporation achieve participation by private insurance companies, multilateral organizations, or others in liabilities incurred in respect of the risks referred to in paragraph (1) (A) and (B) of this subsection under contracts issued on and after January 1, 1975, of at least 25 per centum, and, under contracts issued on and after January 1, 1978, of at least 50 per centum. If for good reason it is not possible for the Corporation to achieve either such percentage of participation, the Corporation shall report in detail to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the reasons for its inability to achieve either such percentage of participation, and the date by which such percentage is to be achieved.

(B) The Corporation shall not participate as insurer under contracts of insurance issued after December 31, 1979, in respect of the risks referred to in paragraph (1) (A) and (B) of this subsection unless Congress by law modifies this paragraph.

(5) (A) It is the intention of Congress that the Corporation achieve participation by private insurance companies, multilateral organizations, or others in liabilities incurred in respect of the risks referred to in paragraph (1) (C) of this subsection under contracts issued on and after January 1, 1976, of at least 12½ per centum, and, under contracts issued on and after January 1, 1979, of at least 40 per centum. If for good reason it is not possible for the Corporation to achieve either such percentage of participation, the Corporation shall report in detail to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the reasons for its inability to achieve either such percentage of participation and the date by which such percentage is to be achieved.

(B) The Corporation shall not participate as insurer under contracts of insurance issued after December 31, 1980, in respect of the risks referred to in paragraph (1) (C) of this subsection unless Congress by law modifies this paragraph.

(6) Notwithstanding any of the percentages of participation under paragraphs (4) (A) and (5) (A) of this subsection, the Corporation may agree to assume liability as insurer for any contract of insurance, or share thereof, that a private insurance company, multilateral organization, or any other person has issued in respect of the risks referred to in paragraph (1) of this subsection, and neither the execution of any such agreement to assume liability nor its performance by the Corporation shall be considered as participation by the Corporation in any such contract for purposes of such percentages of participation. On and after January 1, 1981, the Corporation shall not enter into any such agreement to assume liability.

(1) (A) or (B) of this subsection unless Congress by tion shall not manage direct insurance issued after such date in respect of risks referred to in paragraph (1) (A) or (B) of this subsection unless Congress by

law modifies this sentence. On and after December 31, 1980, the Corporation shall not manage direct insurance issued after such date in respect of risks referred to in paragraph (1)(C) of this subsection unless Congress by law modifies this sentence. It shall thereafter act solely as a reinsurer except to the extent necessary to manage its outstanding insurance and reinsurance contracts and any contracts of insurance the Corporation assumes pursuant to paragraph (6).

* * * * *

(f) Additional insurance functions.

(1) To make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and employing the same, where appropriate, as its agent, or acting as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business.

(2) To enter into pooling or other risk-sharing arrangements with other national or multinational insurance or financing agencies or groups of such agencies.

(3) To hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

(4) To issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1) of this section. The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) of this section against the Corporation purchasing or investing in any stock in any other corporation. The amount of reinsurance of liabilities under this subpart which the Corporation may issue shall not exceed $600,000,000 in any one year, and the amount of such reinsurance shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 2195(a)(1) of this title. All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise, and the Corporation shall endeavor to increase such specified portions to the maximum extent possible. (As amended Pub. L. 93-390, § 2(2), Aug. 27, 1974, 88 Stat. 764.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93-390, § 2(2)(B), added "and institutions" following "multilateral organizations" and provisions relating to the maximum share of liabilities assumed under par. (1)(A) to (C) of this subsection.

Subsec. (a)(4)–(7). Pub. L. 93-390, § 2(2)(C), added subsec. (a)(4) to (7).

Subsec. (f). Pub. L. 93-390, § 2(2)(D), added subsec. (f).

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2195, 2197, 2199 of this title.

§ 2195. Investment insurance.

(a) Contingent liability; expiration of authority.

* * * * *

(4) The authority of section 2194 (a) and (b) of this title shall continue until December 31, 1977.

* * * * *

(d) Priority of funds used to discharge liabilities.

Any payments made to discharge liabilities under investment insurance or reinsurance issued under section 2194 of this title or under similar predecessor guaranty authority shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section. Any payments made to discharge liabilities under guaranties issued under section 2194(b) of this title or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section.

* * * * *

(f) Authorization of appropriations; issuance, etc., of obligations by Corporation for purchase by Secretary of Treasury.

There are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund, to discharge the liabilities under insurance, reinsurance, or guaranties issued by the Corporation or issued under predecessor guaranty authority, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to this subsection. However, no appropriations shall be made to augment the Insurance Reserve until the amount of funds in the Insurance Reserve is less than $25,000,000. Any appropriations to augment the Insurance Reserve shall then only be made either pursuant to specific authorization enacted after August 27, 1974, or to satisfy the full faith and credit provision of section 2197(c) of this title. In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within one year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase he may use as a public debt transac-

tion the proceeds of the sale of any securities issued under the Second Liberty Bond Act after August 27, 1974. The purpose for which securities may be issued under such Bond Act shall include any such purchase. (As amended Pub. L. 93–189, § 6(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, § 2(3), Aug. 27, 1974, 88 Stat. 766.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (f), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, and is classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764 former section 765 and sections 766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

AMENDMENTS

1974—Subsec. (a)(4). Pub. L. 93–390, § 2(3)(A), substituted "December 31, 1977" for "December 31, 1974."

Subsec. (d). Pub. L. 93–390, § 2(3)(B), substituted "insurance or reinsurance issued under section 2194 of this title" for "insurance issued under section 2194(a) of this title".

Subsec. (f). Pub. L. 93–390, § 2(3)(C), added provisions authorizing appropriations to discharge liabilities under reinsurance or obligations of the Corporation purchased by the Secretary of the Treasury, provisions relating to appropriations to augment the Insurance Reserve, and provisions relating to the issuance, sale, etc., of notes, debentures, bonds, or other obligations by the Corporation for purchase by the Secretary of the Treasury.

1973—Subsec. (a)(4). Pub. L. 93–189 substituted "December 31, 1974" for "June 30, 1974".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2196 of this title.

§ 2196. Income and revenues.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2182a of this title.

§ 2197. General provisions relating to insurance, guaranty, and reinsurance programs.

(a) Scope.

Insurance, guaranties, and reinsurance issued under this subpart shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance, guaranties, or reinsurance.

(b) Protection of interest.

The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, guaranty or reinsurance issued under this subpart, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guaranty or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

(c) Guaranties as obligations backed by full faith and credit of United States.

All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance, reinsurance and guaranties issued pursuant to this subpart shall constitute obligations, in accordance with the terms of such insurance, reinsurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(d) Fees; determination of amount; reduction of amounts paid under existing contracts.

Fees shall be charged for insurance, guaranty, and reinsurance coverage in amounts to be determined by the Corporation. In the event fees charged for investment insurance, guaranties, or reinsurance are reduced, fees to be paid under existing contracts for the same type of insurance, guaranties, or reinsurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

(e) Maximum term of obligation.

No insurance, guaranty, or reinsurance of any equity investment shall extend beyond twenty years from the date of issuance.

(f) Limitations on amounts.

No insurance, reinsurance, or guaranty issued under this subpart shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance, reinsurance, or guaranty. Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 2194 of this title so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates. The preceding sentence shall not apply to the extent not permitted by State law.

(g) Fraud or misrepresentation.

No payment may be made under any guaranty, insurance, or reinsurance issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(h) Limits of obligation.

Insurance, guaranties, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(i) Claims settlement.

Claims arising as a result of insurance, reinsurance, or guaranty operations under this subpart or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

* * * * *

(k) Balance of payments.

In making a determination to issue insurance, guaranties, or reinsurance under this subpart, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance, guaranty, or reinsurance upon the balance of payments of the United States. (As amended Pub. L. 93–390, § 2(4), Aug. 27, 1974, 88 Stat. 767.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–390, § 2(4)(A), added references to reinsurance wherever appearing therein.

Subsec. (b). Pub. L. 93–390, § 2(4)(B), added references to reinsurance wherever appearing therein.

Subsec. (c). Pub. L. 93–390, § 2(4)(C), added references to reinsurance wherever appearing therein.

Subsec. (d). Pub. L. 93–390, § 2(4)(D), added provisions authorizing fees to be charged for reinsurance and reduction of reinsurance fees under existing contracts in the event fees charged for reinsurance are reduced.

Subsec. (e). Pub. 93–390, § 2(4)(E), added reference to reinsurance.

Subsec. (f). Pub. L. 93–390, § 2(4)(F), (G), added "reinsurance" preceding "or guaranty" wherever appearing therein and provisions relating to limitations on the amount of direct insurance or reinsurance.

Subsec. (g). Pub. L. 93–390, § 2(4)(H), added applicability to insurance and reinsurance.

Subsec. (h). Pub. L. 93–390, § 2(4)(I), added reference to reinsurance.

Subsec. (i). Pub. L. 93–390, § 2(4)(J), added reference to reinsurance.

Subsec. (k). Pub. L. 93–390, § 2(4)(K), added references to reinsurance wherever appearing therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2195 of this title.

§ 2198. Definitions.

As used in this subpart—

* * * * *

(c) the term "eligible investor" means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, of other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, held by other than the United States owners: *Provided* further, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

* * * * *

(As amended Pub. L. 92–226, pt. I, § 104(a), Feb. 7, 1972, 86 Stat. 22.)

AMENDMENTS

1972—Subsec. (c). Pub. L. 92–226 struck out from first proviso "required by law to be" following "share capital,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2181, 2182 of this title.

§ 2199. General provisions and powers.

* * * * *

(b) Transfer of prior obligations, etc.; administration prior to transfer; termination date for cessation by Corporation of operation of specified programs; transfer of programs and obligations, etc., to other agencies of the United States; conditions for continued operation subsequent to transfer.

The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 2194(a), (b), and (d) of this title. Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this subpart as may be determined by the President. On December 31, 1979, the Corporation shall cease operating the programs authorized by section 2194 (b) through (e) of this title and section 2200 of this title. Thereafter, the President is authorized to transfer such programs, and all obligations, assets, and related rights and responsibilities arising out of, or related to, such programs to other agencies of the United States. Upon any such transfer, these programs shall be limited to countries with per capita income of $450 or less in 1973 dollars.

* * * * *

(d) Powers of Corporation.

To carry out the purposes of this subpart, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 2191(c) of this title); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically ap-

plicable to Government corporations; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

* * * * *

(g) Yugoslavian or Romanian programs; national interest.

Except for the provisions of this subpart, no other provision of this chapter or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this subpart, if the President determines that the operation of such program in such country is important to the national interest.

(h) Development and implementation of criteria to minimize potential environmental implications of projects.

Within six months after August 27, 1974, the Corporation shall develop and implement specific criteria intended to minimize the potential environmental implications of projects undertaken by investors abroad in accordance with any of the programs authorized by this subpart. (As amended Pub. L. 92–226, pt. I, § 104(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 92–310, title II, § 227 (d), June 6, 1972, 86 Stat. 207; Pub. L. 93–390, § 2(5), Aug. 27, 1974, 88 Stat. 768.)

REFERENCES IN TEXT

Section 2200 of this title, referred to in subsec. (b), was repealed by section 8(b) of Pub. L. 93–559, and is now covered by section 2182a of this title.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–390, § 2(5)(A), added provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (h). Pub. L. 93–390, § 2(5)(B), added subsec. (h).

1972—Subsec. (d). Pub. L. 92–310 eliminated provisions which authorized the Corporation to require bonds of officers and employees and to pay the premiums therefor.

Subsec. (g). Pub. L. 92–226 added subsec. (g).

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b), of Pub. L. 92–226, set out as a note under section 2346 of this title.

§ 2200. Repealed. Pub. L. 93–559, § 8(b), Dec. 30, 1974, 88 Stat. 1797.

Section, Pub. L. 87–195, pt. I, § 240, as added Pub. L. 91–175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 817, and amended Pub. L. 92–226, pt. I § 104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93–189, § 6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–390, § 2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, and is now covered by section 2182a of this title.

§ 2200a. Reports to the Congress.

* * * * *

(b) Not later than January 1, 1976, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all of its activities to private insurance companies, multilateral organizations and instituitons, or other entities. (As amended Pub. L. 93–390, § 2(7), Aug. 27, 1974, 88 Stat. 768.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–390 substituted "January 1, 1976" for "March 1, 1974" and "of its activities to private insurance companies, multilateral organizations and institutions, or other entities" for "or part of its activities to private United States citizens, corporations, or other associations".

Subpart V.—Development Research

§ 2201. Repealed. Pub. L. 94–161, title III, § 306(1), Dec. 20, 1975, 89 Stat. 858.

Section, Pub. L. 87–195, pt. I, § 241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88–205, pt. I, § 105, Dec. 16, 1963, 77 Stat. 382, provided for general authority of the President respecting development research and use of funds for research into problems of population growth, and is now covered by sections 2151b and 2151d of this title.

Subpart VI.—Alliance for Progress

§ 2211. General authority.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2212. Authorization of appropriations.

(a) There is authorized to be appropriated to the President for the purposes of this subpart, in addition to other funds available for such purposes for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000, which amounts are authorized to remain available until expended, and which amounts, except for not to exceed $88,500,000 for each such fiscal year, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 2151, 2211, 2351, and 2352 of this title, not less than 50 per centum of the loan funds appropriated pursuant to this section for any fiscal year shall be available for loans made to encourage economic development through private enterprise.

(b) There are authorized to be appropriated to the President for the fiscal year 1974, $934,000, and for the fiscal year 1975, $934,000, for grants to the National Association of the Partners of the Alliance, Inc., in accordance with the purposes of this subpart. (As amended Pub. L. 92–226, pt. I § 105, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 7, Dec. 17, 1973, 87 Stat. 718.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–189 substituted provisions authorizing the appropriation of $934,000 for fiscal year 1974 and $934,000 for fiscal year 1975 for grants to the National Association of the Partners of the Alliance, Inc., for provisions authorizing the appropriation of $350,000 for fiscal year 1969 for such grants.

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations of $295,000,000, for fiscal years 1972 and 1973, and struck out provision for authorization of $428,250,000

for fiscal years 1970 and 1971; and decreased to $88,500,000 from $90,750,000 the moneys excepted from availability for loans payable as to principal and interest in United States dollars.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2171 of this title.

Subpart IX.—Utilization of Democratic Institutions in Development

§ 2218. Utilization of democratic institutions in development.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II. § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

Subpart X.—Programs Relating to Population Growth and Family Planning

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2151f, 2151m, 2435 of this title.

§ 2219a. Availability of funds on loan or grant basis.

Of the funds provided to carry out the provisions of this subchapter I for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $150,000,000 shall be available in each such fiscal year only to carry out the purposes of this subpart, and, notwithstanding any other provisions of this chapter, funds used for such purposes may be used on a loan or grant basis. (As amended Pub. L. 92–226, pt. I, § 106, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 8, Dec. 17, 1973, 87 Stat. 718; Pub. L. 93–559, § 4(2), Dec. 30, 1974, 88 Stat. 1795.)

AMENDMENTS

1974—Pub. L. 93–559 substituted $150,000,000 for $130,000,000.

1973—Pub. L. 93–189 substituted "for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $130,000,000", for "for each of the fiscal years 1972 and 1973, $125,000,000".

1972—Pub. L. 92–226 made $125,000,000 available for fiscal years 1972 and 1973, and struck out provision making available $75,000,000 and $100,000,000 for fiscal years 1970 and 1971.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

Subpart XI.—Food Production Targets and Reports

§ 2220. Food production targets and reports.

COOPERATION WITH OTHER COUNTRIES IN ALLEVIATING WORLD FOOD SHORTAGE; EMERGENCY AND HUMANITARIAN REQUIREMENTS

Section 39 of Pub. L. 93–189, Dec. 17, 1973, 87 Stat. 735, provided that:

"(a) It is the sense of the Congress that the United States should participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President shall—

"(1) encourage, support, and expedite, studies relating to the long-range implications of the world food situation (including studies of national and world production, distribution, and utilization of agricultural commodities and other foodstuffs) and support the organizing of a world food conference under United Nations auspices in 1974;

"(2) request the member nations of the General Agreement on Tariffs and Trade to explore the means for assuring equitable access by all nations to national markets and mineral and agricultural resources;

"(3) consult and cooperate with appropriate international agencies, such as the Food and Agriculture Organization of the United Nations, in determining the need for, the feasibility of, and cost on an equitably-shared basis of, establishing an international system of strategic food reserves; and

"(4) report his findings and recommendations to the Congress on the implementation of this section no later than December 31, 1974.

"(b) It is further the sense of the Congress that—

"(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1691 et seq. of Title 7]; and

"(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1731 of Title 7], may be amended by striking the period and inserting in lieu thereof a comma and the following: 'unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act. [this chapter and sections 1427 and 1431 of this title]'."

Subpart XII.—Famine Prevention and Freedom From Hunger [New]

§ 2220a. Congressional objectives and findings; definitions.

(a) The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 2151a and 2151a–1 of this title, should improve their participation in the United States Government's international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries.

The Congress so declares because it finds—

(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

(3) that, in a world of growing population with rising expectations, increased food production and

improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

(3) international agricultural research centers;

(4) contract research; and

(5) research program grants.

(c) The United States should—

(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

(3) assist such universities in cooperative joint efforts with—

(A) agricultural institutions in developing nations, and

(B) regional and international agricultural research centers,

directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

(d) As used in this subpart, the term "universities" means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act), or the Act of August 30, 1890 (known as the Second Morrill Act), which are commonly known as "land-grant" universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act), which are commonly known as sea-grant colleges; and other United States colleges and universities which—

(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

(2) can contribute effectively to the attainment of the objectives of this subpart.

(e) As used in this subpart, the term "Administrator" means the Administrator of the Agency for International Development.

(f) As used in this subpart, the term "agriculture" shall be considered to include aquaculture and fisheries.

(g) As used in this subpart, the term "farmers" shall be considered to include fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters. (Pub. L. 87–195, pt. I, § 296, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 861.)

REFERENCES IN TEXT

First Morrill Act and Second Morrill Act, referred to in subsec. (d), are classified to sections 301 to 305, to 307, and 308; and 321 to 326a, and 328, respectively, of Title 7, Agriculture.

National Sea Grant College and Program Act, referred to in subsec. (d), is classified to sections 1121 to 1124 of Title 33, Navigation and Navigable Waters.

SETTLEMENT OF DEBT OWED THE UNITED STATES

Section 321 of Pub. L. 94–161 provided that: "No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act [International Development and Food Assistance Act of 1975, see Short Title note under section 2151 of this title] may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement."

§ 2220b. General authority; program and activity objectives; function of Administrator.

(a) To carry out the purposes of this subpart, the President is authorized to provide assistance on such terms and conditions as he shall determine—

(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 2220e of this title;

(2) to build and strengthen the institutional capacity and human resource skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

(3) to provide program support for long-term collaborative university research on food production, distribution, storage, marketing, and consumption;

(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the instiutions of agriculturally developing nations; and

(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

(b) Programs under this subpart shall be carried out so as to—

(1) utilize and strengthen the capabilities of universities in—

(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences, human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

(2) take into account the value to United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this subpart with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations; and

(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

(c) To the maximum extent practicable, activities under this section shall (1) be designed to achieve the most effective interrelationship among the teaching of agricultural sciences, research, and extension work, (2) focus primarily on the needs of agricultural producers, (3) be adapted to local circumstances, and (4) be carried out within the developing countries.

(d) The President shall exercise his authority under this section through the Administrator. (Pub. L. 87–195, pt. I, § 297, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 863.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220c of this title.

§ 2220c. Board for International Food and Agricultural Development.

(a) Establishment; terms and expenses of members.

To assist in the administration of the programs authorized by this subpart, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this subpart referred to as the "Board") consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment. Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

(b) General areas of responsibility.

The Board's general areas of responsibility shall include, but not be limited to—

(1) participating in the planning, development, and implementation of,

(2) initiating recommendations for, and

(3) monitoring of,

the activities described in section 2220b of this title.

(c) Specific, but not exclusive, duties.

The Board's duties shall include, but not necessarily be limited to—

(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

(2) developing and keeping current a roster of universities—

(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries,

(B) having capacity in the agricultural sciences,

(C) able to maintain an appropriate balance of teaching, research, and extension functions,

(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

(E) able to contribute to solving the problems addressed by this subpart;

(3) recommending which developing nation could benefit from programs carried out under this subpart, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this subpart;

(5) reviewing and evaluating agreements and activities authorized by this subpart and undertaken by universities to assure compliance with the purposes of this subpart;

(6) recommending to the Administrator the apportionment of funds under section 2220b of this title; and

(7) assessing the impact of programs carried out under this subpart in solving agricultural problems in the developing nations.

(d) Subordinate units; creation of Joint Research Committee, Joint Committee on Country Programs, and other units.

The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 2220b(a)(3) of this title; and

(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 2220b(a)(2), 2220b(a)(4), and 2220b(a)(5) of this title.

(e) Consultations in preparation of annual report and on agricultural development activities.

In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 2220e of this title and on other agricultural development activities related to programs under this subpart. (Pub. L. 87–195, pt. I, § 298, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 864.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220e of this title.

§ 2220d. Authorization; funds; foreign currencies; other authorizations; disclosure of funds to Administrator; annual report.

(a) The President is authorized to use any of the funds hereafter made available under section 2151a of this title to carry out the purposes of this subpart. Funds made available for such purposes may be used without regard to the provisions of sections 2151h(b), 2171(a), and 2171(d) of this title.

(b) Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent possible in lieu of dollars in carrying out the provisions of this subpart.

(c) Assistance authorized under this subpart shall be in addition to any allotments or grants that may be made under other authorizations.

(d) Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this subpart. All such funds, both prospective and inhand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report. (Pub. L. 87–195, pt. I, § 299, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 865.)

§ 2220e. Presidential report to Congress.

The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this subpart during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 2220c of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this subpart. (Pub. L. 87–195, pt. I, § 300, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 866.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2220b, 2220c of this title.

PART III.—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

§ 2221. General authority.

* * * * *

(e) Evaluation of United Nations and its affiliated organizations; International Bank for Reconstruction and Development; Asian Development Bank; transmittal of reports.

(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the programs and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe, and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.

(f) International Fertilizer Development Center; United States participation and assistance.

The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine. (As amended Pub. L. 93–189, § 9(1), Dec. 17, 1973, 87 Stat. 718; Pub. L. 94–161, title III, § 313(c), Dec. 20, 1975, 89 Stat. 866.)

AMENDMENTS

1975—Subsec. (f). Pub. L. 94–161 added subsec. (f).
1973—Subsec. (e). Pub. L. 93–189 added subsec. (e).

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see, Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2222. Authorization of appropriations.

(a) Grants.

(1) There is authorized to be appropriated to the President for grants to carry out the purposes of this part, in addition to funds available under any other Act for such purposes, for the fiscal year 1974, $127,822,000, and for the fiscal year 1975, $165,000,000, and for the fiscal year 1976, $194,500,000 and for the fiscal year 1977, $219,900,000. Of such amounts, not to exceed $250,000 during the fiscal year 1976 shall be available for contribution to the Namibia Institute.

(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

(b) Indus Basin Development.

(1) There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this chapter or any other Act for such purposes, for use beginning in the fiscal year 1969, $61,220,000. Such amounts are authorized to remain available until expended.

(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000, and for use beginning in the fiscal year 1976, $27,000,000, which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 2360(a) or 2364(a) of this title to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

* * * * *

(d) United Nations Children's Fund.

Of the funds made available to carry out this part for each of the fiscal years 1976 and 1977, $20,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.

(e) Arab refugees technical and vocational training; contribution to United Nations Relief and Works Agency.

There is authorized to be appropriated $2,000,000 for the fiscal year 1974, and $2,000,000 for the fiscal year 1975, to provide added contribution to the United Nations Relief and Works Agency for expansion of technical and vocational training of Arab refugees.

(f) Same; additional amounts in Egyptian pounds owned by United States.

There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended.

(g) International Atomic Energy Agency; report to Congress.

Of the funds made available to carry out this part for fiscal year 1975, in addition to any other such funds to be made available for contributions to the International Atomic Energy Agency, not less than $500,000 shall be made available to such Agency as technical assistance in kind. However, a reasonable amount of funds authorized under this section shall be made available in fiscal year 1975 to strengthen international procedures which are designed to prevent the unauthorized dissemination or use of nuclear materials. The President shall report to the Congress not later than July 1, 1975, concerning actions taken by the United States to strengthen the procedures described under the preceding sentence.

(h) United Nations Educational, Scientific, and Cultural Organization; certification to Congress.

Congress directs that no funds should be obligated or expended, directly or indirectly, to support

the United Nations Educational, Scientific, and Cultural Organization until the President certifies to the Congress that such Organization (1) has adopted policies which are fully consistent with its educational, scientific, and cultural objectives, and (2) has taken concrete steps to correct its recent actions of a primarily political character. (As amended Pub. L. 92–226, pt. I, § 107, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 9(2)–(5), Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, § 9, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94–161, title III, § 313(a), Dec. 20, 1975, 89 Stat. 866.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b)(1) and (2), was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–161, § 313(a)(1)(A), (B), authorized appropriations of $194,500,000 and $219,900,000 for fiscal years 1976 and 1977, required maximum contribution of $250,000 to be made to the Namibia Institute, and designated existing provisions as par. (1).

Subsec. (a)(2). Pub. L. 94–161, § 313(a)(1)(C), added subsec. (a)(2).

Subsec. (b)(1). Pub. L. 94–161, § 313(a)(2), substituted "$61,220,000" for "$51,220,000".

Subsec. (b)(2). Pub. L. 94–161, § 313(a)(3), authorized appropriations of $27,000,000 for use beginning in fiscal year 1976.

Subsec. (d). Pub. L. 94–161, § 313(a)(4), substituted appropriations authorization of $20,000,000 for fiscal years 1976 and 1977, for prior appropriations authorization of $18,000,000 for fiscal years 1974 and 1975.

1974—Subsec. (a). Pub. L. 93–559, § 9(a)(1), increased appropriations authorization for fiscal year 1975 to $165,000,000 from $150,000,000.

Subsecs. (g), (h). Pub. L. 93–559, § 9(a)(2), added subsecs. (g) and (h).

1973—Subsec. (a). Pub. L. 93–189, § 9(2), substituted "for the fiscal year 1974, $127,822,000 and for the fiscal year 1975, $150,000,000", for "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000".

Subsec. (b)(2). Pub. L. 93–189, § 9(3), substituted "for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000", for "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000".

Subsec. (d). Pub. L. 93–189, § 9(4), substituted provisions directing that out of the funds made available for carrying out this part $18,000,000 be available in each of fiscal years 1974 and 1975 for contributions to the United Nations Children's Fund, for provisions authorizing the appropriation of $1,000,000 for fiscal year 1969 for contributions to the United Nations Children's Fund during the calendar year 1969 and directing that funds made thus available be in addition to funds available under this chapter or any other Act for such contributions and not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.

Subsec. (e). Pub. L. 93–189, § 9(5), substituted "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975", for "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

1972—Subsec. (a). Pub. L. 92–226, § 107(a), authorized appropriations of $138,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $122,620,000 for fiscal years 1970 and 1971.

Subsec. (b)(2). Pub. L. 92–226, § 107(b), authorized appropriations of $15,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $7,530,000 for fiscal years 1970 and 1971; and prohibited the President from exercising any special authority to transfer any amount appropriated under par. (2) to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

Subsec. (e). Pub. L. 92–226, § 107(c), authorized appropriations of $1,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $1,000,000 for fiscal years 1970 and 1971.

Subsec. (f). Pub. L. 92–226, § 107(d), added subsec. (f).

§ 2223. Indus Basin development.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243, of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2394 of this title.

§ 2225. Integration of women.

The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women. (Pub. L. 87–195, pt. I, § 305, as added Pub. L. 93–559, § 54, Dec. 30, 1974, 88 Stat. 1818, and amended Pub. L. 94–161, title III, § 313(b), Dec. 20, 1975, 89 Stat. 866.)

CODIFICATION

Section 313(b) of Pub. L. 94–161 corrected the credit to read "pt. I" rather than "pt. III".

PART IV.—SUPPORTING ASSISTANCE

§§ 2241 to 2243. Repealed. Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27.

Section 2241, Pub. L. 87–195, pt. I, § 401, Sept. 4, 1961, 75 Stat. 434; Pub. L. 89–583, pt. I, § 108(a), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 111(a), Nov. 14, 1967, 81 Stat. 454, provided for general authority and limitation on countries to receive assistance.

Section 2242, Pub. L. 87–195, pt. I, § 402, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87–565, pt. I, § 108, Aug. 1962, 76 Stat. 259; Pub. L. 88–205, pt. I, § 109, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88–633, pt. I, § 107, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89–171, pt. I, § 107, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89–371, § 1, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89–583, pt. I, § 108(b), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90–137, pt. I, § 111(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90–554, pt. I, § 109, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 109, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91–652, § 5, Jan. 5, 1971; 84 Stat. 1942, provided for authorization of appropriations, executive approval of budgeting of proceeds by Vietnam for economic assistance projects or programs, and executive approval of accommodation rate of exchange between United States and Vietnam.

Section 2243, Pub. L. 87–195, pt. I, § 403, as added Pub. L. 90–137, pt. I, § 111(c), Nov. 14, 1967, 81 Stat. 454, provided for United States refund claims.

Subject matter is now covered by sections 2346, 2346a, and 2346b of this title, respectively.

REFERENCES TO: PART IV OF SUBCHAPTER I AS REFERENCES TO PART IV OF SUBCHAPTER II; SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II; AND SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II OF THIS CHAPTER

Former provisions of part IV of subchapter I (former sections 2241–2243 of this title) as superseded by part IV of subchapter II (sections 2346–2346b of this title), and subchapter I as including part IV of subchapter II (sections 2346–2346b of this title), and subchapter II as excluding part IV of subchapter II (sections 2346–2346b of this title), see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

PART V—CONTINGENCY FUND

§ 2261. Authorization of appropriations; reports to Committees of Senate and Speaker of House; prohibition against payment of gifts to foreign officials.

(a) There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $5,000,000, to provide assistance authorized by this subchapter or by section 2399 of this title for any emergency purpose only in accordance with the provisions applicable to the furnishing of such assistance.

(b) The President shall submit quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programing and obligation of funds under this section.

(c) No part of this fund shall be used to pay for any gifts to any officials of any foreign government made heretofore or hereafter. (As amended Pub. L. 92–226, pt. I, § 108, Feb. 7, 1972, 86 Stat. 24; Pub. L. 93–189, § 10, Dec. 17, 1973, 87 Stat. 719; Pub. L. 93–559, § 28(c), Dec. 30, 1974, 88 Stat. 1803.)

REFERENCES IN TEXT

Section 2399 of this title, referred to in subsec. (a), which provided for famine or disaster relief, authorized appropriation of $40,000,000 for fiscal year 1975, and required Presidential report to Committees of the Senate and Speaker of the House, was repealed by Pub. L. 94–161, title I, § 101(6), Dec. 20, 1975, 89 Stat. 850, and is now covered by sections 2292 and 2292a of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559 substituted appropriations authorization of $5,000,000 for fiscal year 1975 for prior authorization of $30,000,000 for fiscal years 1974, and 1975, and authorized assistance under section 2399 of this title and for any emergency purpose.

Subsec. (b). Pub. L. 93–559 substantially reenacted subsec. (b) provisions, substituting "submit" for "provide".

Subsec. (c). Pub. L. 93–559 added subsec. (c).

1973—Subsec. (a). Pub. L. 93–189 substituted provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1974 and 1975, for provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1972 and 1973, substituted "to provide assistance authorized by this subchapter primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance", for "for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest", and struck out a proviso for the use of $15,000,000, in addition to any other available funds, out of the funds appropriated for fiscal year 1971 for the flood victims of the East Pakistan flood.

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations not to exceed $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of not to exceed $15,000,000 for fiscal year 1970, and not to exceed $30,000,000 for fiscal year 1971.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2413 of this title.

§ 2262. Transferred.

CODIFICATION

Section transferred to section 2292c of this title.

PART VIII.—INTERNATIONAL NARCOTICS CONTROL [NEW]

§ 2291. International narcotics control; international cooperation; executive agreements; assistance authorization; terms and conditions; suspension of assistance and sales for failure to prevent illegal sales or unlawful entry; continuation of suspension; reports to Congress.

(a) It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this chapter or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this part.

(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programing and obligation, on a calendar quarter basis, of funds under this part prior to such date.

(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the actiivties and operations carried out under this part prior to such date. Such semiannual report shall include, but shall not be limited to—

(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part; and

(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

(i) to carry out the purposes of this part with respect to each country and each international organization receiving assistance under this part, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(ii) to carry out each program conducted under this part in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

(iii) for administrative support services within the United States to carry out the purposes of this part, including the cost of United States personnel engaged in carrying out such purposes in the United States.

(Pub. L. 87–195, pt. I, § 481, as added Pub. L. 92–352, title V, § 503, July 13, 1972, 86 Stat. 496, and amended Pub. L. 93–189, § 11(a), Dec. 17, 1973, 87 Stat. 719.)

REFERENCES IN TEXT

"This chapter", referred to in the text, was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in the text, is classified principally to chapter 13 (section 801 et seq.) of Title 21, Food and Drugs.

Foreign Military Sales Act, referred to in the text, is classified to chapter 39 (section 2751 et seq.) of this title.

Title I of the Agricultural Trade Development and Assistance Act of 1954, referred to in the text, is classified to section 1701 et seq. of Title 7, Agriculture.

CODIFICATION

A prior section 481 of Pub. L. 87–195, pt. I, as added Pub. L. 92–226, pt. I, § 109, Feb. 7, 1972, 86 Stat. 24, contained similar subject matter, and was repealed by section 503 of Pub. L. 92–352.

AMENDMENTS

1973—Pub. L. 93–189 designated existing provisions as subsec. (a), and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2291a of this title.

§ 2291a. Authorization of appropriations.

To carry out the purposes of section 2291 of this title, there are authorized to be appropriated to the President $42,500,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended. (Pub. L. 87–195, pt. I, § 482, as added Pub. L. 92–352, title V, § 503, July 13, 1972, 86 Stat. 497, and amended Pub. L. 93–189, § 11(b), Dec. 17, 1973, 87 Stat. 720.)

AMENDMENTS

1973—Pub. L. 93–189 substituted "$42,500,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended", for "$42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2420, 2435 of this title.

PART IX.—INTERNATIONAL DISASTER ASSISTANCE [NEW]

AMENDMENTS

1975—Pub. L. 94–161, title I, § 101(1), Dec. 20, 1975, 89 Stat. 849, substituted "International Disaster Assistance" for "Refugee Relief Assistance" as part IX heading.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2293 of this title.

§ 2292. Congressional policy; general authority.

(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) Subject to the limitation on appropriations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country or international organization on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters. (Pub. L. 87–195, pt. I, § 491, as added Pub. L. 94–161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

CODIFICATION

A prior section 491 of Pub. L. 87–195, pt. I, as added Pub. L. 92–226, pt. I, § 109, Feb. 7, 1972, 86 Stat. 24, provided for East Pakistan refugee relief assistance, including appropriations authorization of $250,000,000 for fiscal year 1972, and was repealed by section 101(2) of Pub. L. 94–161.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292a, 2292f of this title.

§ 2292a. Authorization of appropriations; Presidential reports to Committee on Foreign Relations of the Senate and Speaker of the House.

There is authorized to be appropriated to the President to carry out section 2292 of this title, $25,000,000 for each of the fiscal years 1976 and 1977. Amounts appropriated under this section are authorized to remain available until expended. The

President shall submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programing and obligation of funds under this section. (Pub. L. 87–195, pt. I, § 492, as added Pub. L. 94–161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2292 of this title.

§ 2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties.

The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities shall be the formulation and updating of contingency plans for providing disaster relief. (Pub. L. 87–195, pt. I, § 493, as added Pub. L. 94–161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

§ 2292c. Authorization of appropriations for disaster relief and emergency recovery needs in Pakistan and Nicaragua.

There are authorized to be appropriated, in addition to other sums available for such purposes, $65,000,000 for use by the President for disaster relief and emergency recovery needs in Pakistan and Nicaragua, under such terms and conditions as he may determine, such sums to remain available until expended. (Pub. L. 87–195, pt. I, § 494, formerly § 452, as added Pub. L. 93–333, § 2(2), July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94–161, title I, § 101(4), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2262 of this title.

SHORT TITLE

Section 1 of Pub. L. 93–333 provided: "That this Act [enacting this section, amending section 2292d of this title, and enacting provisions set out as notes under this section and section 2395 of this title] may be cited as the 'Foreign Disaster Assistance Act of 1974'."

§ 2292d. Famine and disaster relief to drought-stricken African nations.

(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related asssitance in connection with the drought in the nations of Africa. The President shall report to Congress as soon as possible on solutions to this problem of famine and further propose how any of these solutions may be carried out by multilateral organizations.

(b) Notwithstanding any prohibitions or restrictions contained in this chapter or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $110,000,000 to remain available until expended, for use by the President, under such terms and conditions, as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken nations of Africa. Of the amount authorized to be appropriated under this subsection, not more than $10,000,000 shall be made available for Ethiopia. (Pub. L. 87–195, pt. I, § 494A, formerly pt. III, § 639A, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725, and amended Pub. L. 93–333, § 3, July 8, 1974, 88 Stat. 290; renumbered Pub. L. 94–161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2399–1a of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–333, § 3(2), substituted "nations of Africa" for "Sahelian nations of Africa".

Subsec. (b). Pub. L. 93–333, § 3(3)–(5), substituted "nations of Africa" for "Sahelian nations of Africa" and substituted "$110,000,000" for "$25,000,000" and added provision limiting to $10,000,000 the amount made available to Ethiopia.

§ 2292e. African development program.

(a) Congressional support.

The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b) Presidential authorization.

The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

(c) Presidential guidelines.

In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(d) Authorization of appropriations; comprehensive proposal; submittal to Congressional Committees.

There is authorized to be appropriated to the President, to carry out the purposes of this section, in addition to funds otherwise available for such purposes, $5,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. The President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives not later than April 30, 1976, a comprehensive proposal for carrying out the provisions of this section which shall include budget materials relating to programs for the fiscal year 1977. (Pub. L. 87–195, pt. I, § 494B, formerly pt. III, § 639B, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725, renumbered and amended Pub. L. 94–161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2399–1b of this title.

AMENDMENTS

1975—Pub. L. 94–161, § 101(7)(A), deleted "Sahel" following "African" in section heading.

Subsec. (a). Pub. L. 94–161, § 101(7)(B), (C), designated existing provisions as subsec. (a) and substituted "Congress reaffirms its support of" for "Congress supports".

Subsecs. (b) to (d). Pub. L. 94–161, § 101(7)(D), added subsecs. (b) to (d).

§ 2292f. Cyprus relief and rehabilitation; terms and conditions; authorization of appropriations; section 2292 policy and general authority applicable.

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, $30,000,000. Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 2292 of this title. (Pub. L. 87–195, pt. I, § 495, as added Pub. L. 94–161, title I, § 101(8), Dec. 20, 1975, 89 Stat. 850.)

PART X.—ASSISTANCE TO PORTUGAL AND PORTUGUESE COLONIES IN AFRICA GAINING INDEPENDENCE [NEW]

§ 2293. Assistance to Portugal and Portuguese colonies in Africa gaining independence; authorization of appropriations and availability of funds; Cape Verde Islands loan, forgiveness of liability.

(a) There are authorized to be appropriated to the President for the fiscal year 1975, in addition to funds otherwise available for such purposes, not to exceed—

(1) $7,750,000 to make grants; and

(2) $17,250,000 to make loans;

to remain available until expended, for use by the President in providing economic assistance, on such terms and conditions as he may determine, for Portugal and the countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal.

(b) Notwithstanding the provisions of section 2370(r) of this title, the United States is authorized to forgive the liability incurred by the Government of the Cape Verde Islands for the repayment of a $3,000,000 loan on June 30, 1975.

(c) The President is authorized to use up to $30,000,000 of the funds made available under this subchapter for the fiscal year 1976, in addition to funds otherwise available for such purposes, to provide development assistance in accordance with part I of this subchapter or relief and rehabilitation assistance in accordance with part IX of this subchapter (including assistance through international or private voluntary organizations) to countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal. (Pub. L. 87–195, pt. I, § 496, as added Pub. L. 93–559, § 53, Dec. 30, 1974, 88 Stat. 1818, and amended Pub. L. 94–161, title III, § 314, Dec. 20, 1975, 89 Stat. 866.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161, § 314(1)–(3), designated existing provisions as subsec. (a), substituted "$7,750,000" for "$5,000,000" in item (1) and "$17,250,000" for $20,000,000" in item (2).

Subsecs. (b), (c). Pub. L. 94–161, § 314(4), added subsecs. (b) and (c).

SUBCHAPTER II.—MILITARY ASSISTANCE AND SALES

PART I.—DECLARATION OF POLICY

§ 2301. Congressional statement of policy.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2303. Excess defense articles.

Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items. (Pub. L. 87–195, pt. II, § 502A, as added Pub. L. 93–189, § 12(a), Dec. 17, 1973, 87 Stat. 720.)

§ 2304. Security assistance and human rights.

(a) Human rights recognized; extraordinary circumstances exception.

It is the sense of Congress that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person.

(b) Advising Congress of extraordinary circumstances.

Whenever proposing or furnishing security assistance to any government falling within the provisions of subsection (a) of this section, the President shall advise the Congress of the extraordinary circumstances necessitating the assistance.

(c) International organization investigation of alleged violations with cooperation of suspect government.

In determining whether or not a government falls within the provisions of subsection (a) of this section, consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and any body acting under the authority of the United Nations or of the Organization of American States.

(d) "Security assistance" defined.

For purposes of this section, "security assistance" means assistance under part II (military assistance) or part IV (security supporting assistance) of this subchapter, assistance under subchapter IV (Indochina Postwar Reconstruction) or subchapter V (Middle East Peace) of this chapter, sales under the Foreign Military Sales Act, or assistance for public safety under this chapter or any other Act. (Pub. L. 87–195, pt. II, § 502B, as added Pub. L. 93–559, § 46, Dec. 30, 1974, 88 Stat. 1815.)

REFERENCES IN TEXT

Foreign Military Sales Act, referred to in subsec. (d), is classified to chapter 39 (section 2751 et seq.) of this title.

PART II.—MILITARY ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2360, 2442 of this title.

§ 2311. General authority.

(a) The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(1) acquiring for any source and providing (by loan or grant) any defense article or defense service; or

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature.

(b) In addition to such other terms and conditions as the President may determine pursuant to subsection (a) of this section, defense articles may be loaned thereunder only if—

(1) there is a bona fide reason, other than the shortage of funds, for providing such articles on a loan basis rather than on a grant basis;

(2) there is a reasonable expectation that such articles will be returned to the agency making the loan at the end of the loan period, unless the loan is then renewed;

(3) the loan period is of fixed duration not exceeding five years, during which such article may be recalled for any reason by the United States;

(4) the agency making the loan is reimbursed for the loan based on the amount charged to the appropriation for military assistance under subsection (c) of this section; and

(5) arrangements are made with the agency making the loan to be reimbursed in the event such article is lost or destroyed while on loan, such reimbursement being made first out of any funds available to carry out this part and based on the depreciated value of the article at the time of loss or destruction.

(c) (1) In the case of any loan of a defense article or defense service made under this section, there shall be a charge to the appropriation for military assistance for any fiscal year while the article or service is on loan in an amount based on—

(A) the out-of-pocket expenses authorized to be incurred in connection with such loan during such fiscal year; and

(B) the depreciation which occurs during such year while such article is on loan.

(2) The provisions of this subsection shall not apply—

(A) to any particular defense article or defense service which the United States Government agreed, prior to December 17, 1973, to lend; and

(B) to any defense article or defense service, or portion thereof, acquired with funds appropriated for military assistance under this chapter.

(As amended Pub. L. 93–189, § 12(b)(1), Dec. 17, 1973, 87 Stat. 720.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–189 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, struck out references to making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense and providing financial assistance for expenses incident to participation by the United States government in regional or collective defense organizations.

Subsecs. (b), (c). Pub. L. 93–189 added subsecs. (b) and (c).

REVIEW OF MILITARY ASSISTANCE PROGRAM; REDUCTION AND ELIMINATION PLAN, SUBMITTAL TO CONGRESS

Pub. L. 93–559, § 17, Dec. 30, 1974, 88 Stat. 1800, provided that:

"(a) It is the sense of Congress that the policies and purposes of the military assistance program conducted under chapter 2 of part II of the Foreign Assistance Act of 1961 [part II of this subchapter] should be reexamined in light of changes in world conditions and the economic position of the United States in relation to countries receiving such assistance; and that the program, except for military education and training activities, should be reduced and terminated as rapidly as feasible consistent with the security and foreign policy requiremnts of the United States.

"(b) In order to give effect to the sense of Congress expressed in subsection (a), the President is directed to submit to the first session of the 94th Congress a detailed plan for the reduction and eventual elimination of the present military assistance program."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2394 of this title.

§ 2312. Authorization of appropriations; limitation on countries to receive assistance; weapons systems expenditures; Presidential determination of importance to national security; report to Congress; programing and budgeting procedure; cost-sharing.

(a) There is authorized to be appropriated to the President to carry out the purposes of this subchapter not to exceed $600,000,000 for the fiscal year 1975: *Provided*, That funds made available for assistance under this part (other than (1) training in the United States or (2) for Western Hemisphere countries, training in the United States or in the Canal Zone) shall not be used to furnish such assistance to more than thirty-one countries in any fiscal year: *Provided further*, That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress. Amounts appropriated under this subsection are authorized to remain available until expended. Amounts appropriated under this subsection shall be available for cost-sharing expenses of United States participation in the military headquarters and related agencies program.

* * * * *

(As amended Pub. L. 92–226, pt. II, § 201(a), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, § 12(b)(2), Dec. 17,

1973, 87 Stat. 721; Pub. L. 93–559, § 10, Dec. 30, 1974, 88 Stat. 1798.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559 substituted "$600,000,000 for the fiscal year 1975" for "$512,500,000 for the fiscal year 1974" and designated existing provision as item (1) and added item (2).

1973—Subsec. (a). Pub. L. 93–189 substituted "$512,500,000 for the fiscal year 1974", for "$500,000,000 for the fiscal year 1972" and "thirty-one countries" for "forty countries".

1972—Subsec. (a). Pub. L. 92–226 substituted "$500,000,000 for the fiscal year 1972" for "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971".

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321i of this title.

§ 2314. Furnishing of defense articles on grant basis.

* * * * *

(b) Limitation on amount; exceptions.

No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

* * * * *

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

* * * * *

(e) Presidential notification to Speaker of the House of Representatives and to the Senate Committee on Foreign Relations.

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer unless the United States itself would transfer the defense article under consideration to that country, and prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred. In addition, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(f) Disposition of defense articles furnished on a grant basis; net proceeds to be paid over to the United States.

Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war rereceived under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961. (As amended Pub. L. 92–226, pt. II § 201 (b), (c), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93–189, § 12(b)(3), Dec. 17, 1973, 87 Stat. 721.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is classified to section 2451 et seq. of this title.

AMENDMENTS

1973—Subsecs. (e), (f). Pub. L. 93–189 added subsecs. (e) and (f).

1972—Subsec. (b)(2). Pub. L. 92–226, § 201(b), substituted "or" for "and".

Subsec. (e). Pub. L. 92–226, § 201(c), repealed provisions respecting conditions of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

§ 2314a. Repealed. Pub. L. 93–189, § 26(4), Dec. 17, 1973, 87 Stat. 731.

Section, Pub. L. 91–672, § 9, Jan. 12, 1971, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753(a)(2) of this title and the prerequisites for the consent of the President to the transfer.

§ 2318. Special authority; orders for defense articles and services; limitation; obligations in anticipation of reimbursements; authorization of appropriations.

(a) During the fiscal year 1975, the President may, if he determines it to be in the security interests of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of this subchapter, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in the fiscal year 1975 shall not exceed $150,000,000.

* * * * *

(As amended Pub. L. 92–226, pt. II, § 201(d), pt. III, § 304(a)(2), Feb. 7, 1972, 86 Stat. 25, 28; Pub. L. 93–189, § 12(b)(4), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93–559, § 11, Dec. 30, 1974, 88 Stat. 1798.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559 substituted "fiscal year 1975" for "fiscal year 1974" wherever appearing and "$150,000,000" for "$250,000,000".

1973—Subsec. (a). Pub. L. 93–189 substituted "the fiscal year 1974", "in the security interests", and "$250,000,000"

for "the fiscal year 1972", "vital to the security", and "$300,000,000", respectively.

1972—Subsec. (a). Pub. L. 92–226 substituted "1972" for "1970 and the fiscal year 1971" and "the fiscal year 1972" for "each of the fiscal years 1970 and 1971", and repealed last sentence providing for prompt notice of action taken to Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and Speaker of the House.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2364, 2370, 2392, 2411, 2415 of this title.

§§ 2319 to 2321. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722.

Section 2319, Pub. L. 87–195, Pt. II, § 507, formerly §§ 505(b), 511, Sept. 4, 1961, 75 Stat. 436, 438, amended Pub. L. 88–205, Pt. II, § 202(d), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89–171, Pt. II, § 201(c), (h), Sept. 6, 1965, 79 Stat. 656, 658; renumbered and amended Pub. L. 90–137, Pt. II § 201(k), (l), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, Pt. II, § 201(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 92–226, Pt. II, § 201(e), Feb. 7, 1972, 86 Stat. 25, placed certain restrictions on military aid to Latin America.

Section 2320, Pub. L. 87–195, Pt. II, § 508, formerly § 512, as added Pub. L. 88–205, Pt. II, § 202(e), Dec. 16, 1963, 77 Stat. 384, and amended Pub. L. 86–633, Pt. II, § 201(f), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89–171, Pt. 11, § 201(i), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89–583, Pt. II, § 201(e), Sept. 19, 1966, 80 Stat. 803; renumbered and amended Pub. L. 90–137, Pt. II, § 201(m), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90–554, Pt. II, § 201(d), Oct. 8, 1968, 82 Stat. 963, placed certain restrictions on military aid to African countries.

Section 2321, Pub. L. 87–195, Pt. II, § 509, formerly § 513, as added Pub. L. 88–633, Pt. II, § 201(g), Oct. 7, 1964, 78 Stat. 1012, renumbered and amended Pub. L. 90–137, Pt. II, § 201(n), Nov. 14, 1967, 81 Stat. 457, provided for the giving of certification of recipients' capabilities to utilize defense articles effectively and for the making of a report to the Speaker of the House and the Senate's Foreign Relations and Appropriations Committees whenever articles are furnished without such certification.

§ 2321a. Restrictions on training foreign military students.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2321b. Excess defense article.

(a) Grant as military expenditure; accounting procedure.

Subject to the provisions of subsection (b) of this section, the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under this chapter for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (less amounts to be transferred under section 2392(d) of this title) (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with subsections (g) and (m) of section 2403 of this title, to be nonexcess.

(b) Limitations on the applicability of subsection (a).

In the case of excess defense articles which are generated abroad, the provisions of subsection (a) of this section shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeds $100,000,000.

(c) Definition of value.

For purposes of this section, the term "value" has the same meaning as given it in section 2403(m) of this title; except that for any excess defense article such term shall not include a value for any such article which is less than 33⅓ percent of the amount the United States paid for such article when the United States acquired it.

* * * * *

(e) Nonapplicability to certain defense articles for South Vietnam.

Except for excess defense articles granted under this subchapter, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972. (As amended Pub. L. 92–226, pt. IV, § 402, Feb. 7, 1972, 86 Stat. 33; Pub. L. 93–189, § 26(1)–(3), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93–559, § 13, Dec. 30, 1974, 88 Stat. 1799.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–559, § 13(a)(1), substituted "$100,000,000" for "$150,000,000".

Subsec. (c). Pub. L. 93–559, § 13(a)(2), added exception provision respecting definition of value for excess defense articles.

1973—Subsec. (a). Pub. L. 93–189, § 26(1), added provision preceding cl. (1) relating to the subtraction of amounts to be transferred under section 2392(d) of this title.

Subsec. (b). Pub. L. 93–189, § 26(2), substituted "In the case of excess defense articles which are generated abroad, the provisions", for "The provisions" and "$150,000,000" for "$185,000,000".

Subsec. (c). Pub. L. 93–189, § 26(3), substituted provisions defining the term "value" as that meaning given it in section 2403(m) of this title, for provisions defining such term as not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

1972—Subsec. (a). Pub. L. 92–226, § 402(1), substituted in first sentence "by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development)" for "subchapter II of this chapter" and "the Foreign Assistance Act of 1961" for "that Act", codified in the text as "this chapter" and in second sentence "Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article" for "When an order is placed under the military assistance program with the military departments for a defense article".

Subsec. (b). Pub. L. 92–226, § 402(2), substituted "$185,000,000" for "$100,000,000".

Subsec. (e). Pub. L. 92–226, § 402(3), added subsec. (e).

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2349b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321c of this title.

§ 2321d. Considerations in furnishing military assistance.

Decisions to furnish military assistance made under this subchapter shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87–195, pt. II, § 511, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, and amended Pub. L. 94–141, title I, § 150(c), Nov. 29, 1975, 89 Stat. 760.)

AMENDMENTS

1975—Pub. L. 94–141 substituted "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" for "take into account".

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

§ 2321e. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722.

Section, Pub. L. 87–195, pt. II, § 512, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, provided for the diminution and consolidation of military assstance advisory groups and missions in foreign countries.

§ 2321f. Thailand and Laos, and South Vietnam, military assistance authorizations.

(a) After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act.

(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act.

(c) After June 30, 1976, no military assistance shall be furnished by the United States to South Vietnam directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act. (Pub. L. 87–195, pt. II, § 513, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, and amended Pub. L. 93–189, § 12(b)(6), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, § 12, Dec. 30, 1974, 88 Stat. 1798.)

REFERENCES IN TEXT

"This chapter", referred to in the text, was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

Foreign Military Sales Act, referred to in the text, is classified to chapter 39 (section 2751 et seq.) of this title.

AMENDMENTS

1974—Pub. L. 93–559, § 12(1), inserted reference to South Vietnam in the heading.

Subsec. (c). Pub. L. 93–559, § 12(2), added subsec. (c).

1973—Pub. L. 93–189 designated existing provisions as subsec. (a) and added subsec. (b).

§ 2321g. Repealed. Pub. L. 93–189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722.

Section, Pub. L. 87–195, pt. II, § 514, as added Pub. L. 92–226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 26, covered special foreign country accounts, the deposit of currencies, use of special accounts for payments of certain costs, Presidential waiver authority, the nonapplicability of provisions for special accounts, and the limitations on the amount of deposits.

§ 2321h. Stockpiling of defense articles for foreign countries.

(a) Notwithstanding any other provision of law, no funds, other than funds made available under this part or section 401(a) of Public Law 89–367 (80 Stat. 37), or any subsequent corresponding legislation, may be obligated for the purpose of stockpiling any defense article or war reserve material, including the acquisition, storage, or maintenance of any war reserve equipment, secondary items, or munitions, if such article or material is set aside, reserved, or in any way earmarked or intended for future use by any foreign country under this chapter or such section.

(b) The cost of any such article or material set aside, reserved, or in any way earmarked or intended

by the Department of Defense for future use by, for, or on behalf of the country referred to in section 401(a)(1) of Public Law 89–367 (80 Stat. 37) shall be charged against the limitation specified in such section or any subsequent corresponding legislation, for the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked or intended; and the cost of any such article or material set aside, reserved or in any way earmarked or intended for future use by, for, or on behalf of any other foreign country shall be charged against funds authorized under this part for the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked. No such article or material may be made available to or for use by any foreign country unless such article or material has been charged against the limitation specified in such section, or any subsequent corresponding legislation, or against funds authorized under this part, as appropriate. (Pub. L. 87–195, pt. II, § 514, as added Pub. L. 93–559, § 15, Dec. 30, 1974, 88 Stat. 1799.)

REFERENCES IN TEXT

Section 401(a) of Pub. L. 89–367, referred to in text, was not classified to the Code. The provision authorized funds to be made available during fiscal years 1966, and 1967, in connection with support of Vietnamese and other free world forces in Vietnam.

§ 2321i. Military assistance advisory groups and missions; deduction of expenditures under other provisions from funds available under section 2312 of this title; deposits in the Treasury.

Effective July 1, 1976, an amount equal to each sum expended under any provision of law, other than section 2312 of this title, with respect to any military assistance advisory group, military mission, or other organization of the United States performing activities similar to such group or mission, shall be deducted from the funds made available under such section 2312, and (1) if reimbursement of such amount is requested by the agency of the United States Government making the expenditure, reimbursed to that agency, or (2) if no such reimbursement is requested, deposited in the Treasury as miscellaneous receipts. (Pub. L. 87–195, pt. II, § 515, as added Pub. L. 93–559, § 16, Dec. 30, 1974, 88 Stat. 1799.)

PART III.—FOREIGN MILITARY SALES

§ 2344. Reimbursements.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PART IV.—SECURITY SUPPORTING ASSISTANCE [NEW]

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2151m, 2304, 2442 of this title.

§ 2346. General authority; limitation on countries to receive assistance.

The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this chapter on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this part shall not be used to furnish assistance to more than twelve countries in any fiscal year. (Pub. L. 87–195, pt. II, § 531, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26.)

REFERENCES IN TEXT

"This chapter", referred to in the text, was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

REFERENCES TO: PART IV OF SUBCHAPTER I AS SUBCHAPTER I AS REFERENCES TO PART IV OF SUBCHAPTER II; SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II; AND SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II OF THIS CHAPTER

Section 202(b) of Pub. L. 92–226 provided that: "Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241–2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241–2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section [this part], or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter] shall hereafter be deemed to be references also to chapter 4 of part II [this part], and all references to part II of such Act [subchapter II of this chapter] shall be deemed not to include chapter 4 of such part II [this part]".

§ 2346a. Authorization of appropriations; funds for Vietnam; executive approval of budgeting of proceeds for economic assistance projects or programs, fair exchange rate.

There is authorized to be appropriated to the President to carry out the purposes of this part for the fiscal year 1975 not to exceed $660,000,000: *Provided,* That where commodities are furnished on a grant basis under this part under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries. (Pub. L. 87–195, pt. II, § 532, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26, and amended Pub. L. 93–189, § 13(1), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, § 18, Dec. 30, 1974, 88 Stat. 1800.)

AMENDMENTS

1974—Pub. L. 93–559 substituted "for the fiscal year 1975 not to exceed $660,000,000" for "for the fiscal year 1974 not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel".

1973—Pub. L. 93–189 substituted "for the fiscal year 1974 not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel", for "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

§ 2346b. Repealed. Pub. L. 93–189, § 13(2), Dec. 17, 1973, 87 Stat. 722.

Section, Pub. L. 87–195, pt. II, § 533, as added Pub. L. 92–226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 27, provided for a Vietnam special dollar account for coverage of United States refund claims, amount in account, and maintenance of dollar level.

SUBCHAPTER III.—GENERAL AND ADMINISTRATIVE PROVISIONS

PART I.—GENERAL PROVISIONS

§ 2352. Small business.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2354. Procurement.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II (sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2355. Retention and use of certain items and funds.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2357. Furnishing of services and commodities.

(a) Advance-of-funds or reimbursement basis.

Whenever the President determines it to be consistent with and in furtherance of the purposes of subchapter I of this chapter and within the limitations of this chapter, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid. Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided,* That such agreements require the payment of interest at the current rate established pursuant to section 635 (b) (1) (B) of Title 12, and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further,* That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by part I of subchapter I of this chapter, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.

* * * * *

(As amended Pub. L. 94–161, title III, § 315, Dec. 20, 1975, 89 Stat. 867.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–161 substituted "currently" for "current", incorporated text following "Such advances or reimbursements" in provisions designated cl. (1) and added cl. (2).

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2358. Advance acquisition of property; special account for payment of costs; limitation; use of property; transfer of domestic excess property.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2359. Special accounts; establishment by recipient countries; deposits; availability and utilization; disposition of unencumbered balances.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, DEEMED REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed and part IV of subchapter II, sections 2346

to 2346b of this title, deemed references superseding prior references, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2360. Transfer of funds between accounts.

(a) Whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 10 per centum of the funds made available for any provision of this chapter (except funds made available pursuant to sections 2191 to 2200a of this title) may be transferred to, and consolidated with, the funds made available for any other provision of this chapter (except funds made available under part II of subchapter II of this chapter), and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount to funds made available for such provision.

* * * * *

(c) Any funds which the President has notified Congress pursuant to section 2413 of this title that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes. (As amended Pub. L. 93–559, § 19(a), Dec. 30, 1974, 88 Stat. 1800.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559, § 19(a)(1), added provisions excepting funds made available under part II of subchapter II of this chapter from the designation of funds subject to consolidation.

Subsec. (c). Pub. L. 93–559, § 19(a)(2), added subsec. (c).

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, DEEMED REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed and part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2211, 2222, 2364, 2394, 2411 of this title.

§ 2361. Completion of plans and cost estimates.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, AS REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2362. Use of foreign currencies.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1754 of this title.

§ 2364. Special authorities.

(a) Use of funds and furnishing of assistance upon determination that authorization is important to security of United States; transfers between accounts.

The President may authorize in each fiscal year the use of funds made available for use under this chapter and the furnishing of assistance under section 2318 of this title in a total amount not to exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this chapter or any other law, without regard to the requirements of this chapter, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under this chapter, or the Mutual Defense Assistance Control Act of 1951, in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression. The authority of this section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

* * * * *

(As amended Pub. L. 93–559, § 19(b), Dec. 30, 1974, 88 Stat. 1800.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559 provided that the authority of the section shall not be used to waive the limitations on transfers contained in section 236(a) of this title.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, DEEMED REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed and part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2151m, 2161, 2211, 2222, 2360, 2384, 2394, 2411, 2413 of this title.

§ 2367. Termination of assistance; availability of funds for winding up programs.

Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. (As amended Pub. L. 93–189, § 14, Dec. 17, 1973, 87 Stat. 722.)

AMENDMENTS

1973—Pub. L. 93–189 substituted "eight months" for "twelve months".

SECTION REFERRED TO OTHER SECTIONS

This section is referred to in section 2151n of this title.

§ 2368. Use of settlement receipts.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2369. Assistance to newly independent countries.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2370. Prohibitions against furnishing assistance.

* * * * *

(e) Nationalization, expropriation or seizure of property of United States citizens, or taxation or other exaction having same effect; failure to compensate or to provide relief from taxes, exactions, or conditions; report on full value of property by Foreign Claims Settlement Commission; act of state doctrine.

(1) The President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

* * * * *

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

* * * * *

(n) Prohibition of assistance to countries engaged in North Vietnam trade; national interest determination by President.

No loans, credits, guaranties, or grants or other assistance shall be furnished under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which sells or furnishes to North Vietnam, or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, so long as the regime in North Vietnam gives support to hostilities in South Vietnam, unless the President determines that such loans, credits, guaranties, grants, other assistance, or sales are in the national interest of the United States.

* * * * *

(p) Repealed. Pub. L. 93–559, § 44, Dec. 30, 1974, 88 Stat. 1813.

* * * * *

(v) Repealed. Pub. L. 93–559, § 24, Dec. 30, 1974, 88 Stat. 1802.

(w) Pakistan assistance; suspension; report to Congress; humanitarian assistance exception.

(1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on February 7, 1972.

(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices.

(x) Suspension of military assistance to Turkey.

(1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on December 30, 1974, unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with this chapter, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided,* That the President is authorized to suspend the provisions of this section and of section 2753(c) of this title only with respect to sales, credits, and guaranties under the Foreign Military Sales Act, as amended, for the procurement of such defense articles and defense services as the President determines and certifies to the Congress are necessary in order to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization. Any such suspension

shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.

(2) The President shall submit to the Congress within sixty days after October 6, 1975, and at the end of each succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict. (As amended Pub. L. 92–226, pt. III, § 301, Feb. 7, 1972, 86 Stat. 27; Pub. L. 93–189, § 15, Dec. 17, 1973, 87 Stat. 722; Pub. L. 93–559, §§ 22–24, 44, Dec. 30, 1974, 88 Stat. 1801, 1802, 1813; Pub. L. 94–104, § 2(c)(1), (2), Oct. 6, 1975, 89 Stat. 509.)

REFERENCES IN TEXT

The Foreign Military Sales Act, as amended, referred to in subsec. (x)(1), is classified to section 2751 et seq. of this title.

AMENDMENTS

1975—Subsec. (x). Pub. L. 94–104 redesignated existing provisions as par. (1), and in par. (1) as so redesignated, substituted provisions authorizing the President to suspend the provisions of this section and of section 2753(c) of this title with respect to sales, credits, and guaranties under the Foreign Military Sales Act, for the procurement of defense articles and services certified by the President to be necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO and that such suspension shall be effective only while Turkey observes the cease-fire and neither increases its forces on Cyprus nor transfers to Cyprus any United States supplied arms, ammunition, and implements of war for provisions authorizing the President to suspend the provisions of this section and certain other Acts if he determined that such suspension would further negotiations for a peaceful solution of the Cyprus conflict and that such suspension shall be effective only until Feb. 5, 1975, and if, during that time, Turkey observed cease-fire and neither increased its forces on Cyprus nor transferred to Cyprus any United States supplied implements of war, and added par. (2).

1974—Subsec. (n). Pub. L. 93–559, § 23, authorized assistance when determined by the President to be in the national interest of the United States.

Subsec. (p). Pub. L. 93–559, § 44, repealed subsec. (p) relating to assistance to United Arab Republic if essential to national interest of United States, and without any aid to aggressive actions by the United Arab Republic, and reports to Congressional committees.

Subsec. (v). Pub. L. 93–559, § 24, repealed subsec. (v) relating to prohibition against assistance to Greece, waiver of the restriction by the President, report to Congress, and fiscal year limitation of assistance made available to Greece.

Subsec. (x). Pub. L. 93–559, § 22, added subsec. (x).

1973—Subsec. (e)(1). Pub. L. 93–189 substituted "the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interest of the United States. Such certification shall be reported immediately to Congress", for "no other provision of this chapter shall be so construed to authorize the President to waive the provisions of this subsection".

1972—Subsecs. (v), (w). Pub. L. 92–226 added subsecs. (v) and (w).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 2(c)(5) of Pub. L. 94–104 provided that: "This subsection [amending subsec. (x) of this section] shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act [section 2751 et seq. of this title] for fiscal year 1976."

CHILE, LIMITATION OF ASSISTANCE

Section 25 of Pub. L. 93–559 provided that: "Notwithstanding any other provision of law, the total amount of assistance that may be made available for Chile under the Foreign Assistance Act of 1961 [this chapter], and the Foreign Military Sales Act [chapter 39 of this title] during fiscal year 1975, may not exceed $25,000,000, none of which may be made available for the purpose of providing military assistance (including security supporting assistance, sales, credit sales, or guaranties or the furnishing by any means of excess defense articles or items from stockpiles of the Department of Defense)."

KOREA, LIMITATION OF MILITARY ASSISTANCE AND EXCESS DEFENSE ARTICLES

Section 26 of Pub. L. 93–559 provided that:

"(a) The aggregate amount of—

"(1) funds obligated or reserved for military assistance, including supply operations, under chapter 2 of part II of the Foreign Assistance Act of 1961 [part II of subchapter II of this chapter];

"(2) the acquisition cost of excess defense articles, if any, ordered under part II of the Foreign Assistance Act of 1961 [subchapter II of this chapter] and not charged against appropriations for military assistance;

"(3) credits including participations in credits, extended pursuant to section 23 of the Foreign Military Sales Act [section 2763 of this title]; and

"(4) the principal amount of loans guaranteed pursuant to section 24(a) of the Foreign Military Sales Act [section 2764(a) of this title];

with respect to South Korea shall not exceed $145,000,000 for fiscal year 1975 until the President submits a report to the Congress after the date of enactment of this Act [Dec. 30, 1974] stating that the government of South Korea is making substantial progress in the observance of internationally recognized standards of human rights.

"(b) After the submission of the report under subsection (a), the aggregate amount described in paragraphs (1), (2), (3), and (4) of such subsection with respect to South Korea shall not exceed $165,000,000 for fiscal year 1975.

"(c) The provisions of section 506 and section 614 of the Foreign Assistance Act of 1961 [sections 2318 and 2364 of this title], or of any other law, may not be used to exceed the limitation under subsection (a) or (b).

INDIA, LIMITATION OF ASSISTANCE

Section 27 of Pub. L. 93–559 provided that: "The total amount of assistance provided under the Foreign Assistance Act of 1961 [this chapter] and of credit sales made or guaranteed under the Foreign Military Sales Act [chapter 39 of this title] for India shall not exceed $50,000,000 in fiscal year 1975."

REPAYMENT OF LOANS IN DEFAULT

Section 56 of Pub. L. 93–559 provided that: "It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 [this chapter] which is in default, at least 90 days prior to the date of enactment of this Act [Dec. 30, 1974], of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest."

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 283*l*, 2293 of this title; title 7 section 1736d; title 12 section 635; title 50 App. section 2403.

PART II.—ADMINISTRATIVE PROVISIONS

§ 2381. Exercise of functions.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

EX. ORD. NO. 10973. ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, as amended by Ex. Ord. No 11261, Dec. 11, 1965, 30 F.R. 15397; Ex. Ord. No. 11417, July 24, 1968, 33 F.R. 10625; Ex. Ord. No. 11432, Oct. 22, 1968, 33 F.R. 15701; Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155; Ex. Ord. No. 11816, Oct. 23, 1974, 39 F.R. 37965; Ex. Ord. No. 11841, Feb. 28, 1975, 40 F.R. 8933, provided:

* * * * *

PART I.—DEPARTMENT OF STATE

SECTION 101. *Delegation of functions.* Exclusive of the functions otherwise delegated, or reserved to the President, by the provisions of this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the Secretary) all functions conferred upon the President by (1) the act (as defined in Part VI hereof), (2) the act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purpose (74 Stat. 869; 22 U.S.C. 1942 et seq.), (3) the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611 et seq.), (4) the unrepealed provisions of the Mutual Security Act of 1954 (68 Stat. 832; U.S.C. 1750 et seq.), (5) section 8(d) of the Act of January 12, 1971 (P.L. 91–672; 84 Stat. 2055), [section 2321b(d) of this title], and (6) those provisions of acts appropriating funds under the authority of the act which relate to the act.

SEC. 102. *Agency for International Development.*

* * * * *

(b) The Agency shall be headed by an Administrator who shall be appointed pursuant to section 624(a) of the Act [section 2384(a) of this title].

(c) The other officers provided for in section 624(a) of the Act [section 2384(a) of this title] shall also serve in the Agency.

SEC. 103. [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155]

* * * * *

PART II.—DEPARTMENT OF DEFENSE

SEC. 201. *Delegation of functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II (except Chapter 4 [sections 2346–2346b of this title] thereof) of the Act [subchapter II of this chapter] not otherwise delegated or reserved to the President.

* * * * *

SEC. 203. *Exclusions from delegation to Secretary of Defense.* The following-described functions conferred upon the President by the Act are excluded from the functions delegated by the provisions of section 201(a) of this order:

(a) Those under section 505(a) (introductory clause) of the Act [section 2314(a) of this title].

(b) Those under sections 505(b)(1), (2), and (3) of the Act [section 2314(b)(1), (2), and (3) of this title] to the extent that they pertain to countries which agree to the conditions set forth therein.

(c) [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155]

(d) [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155]

* * * * *

(f) Those under section 514 of the Act [section 2321g of this title].

PART III.—OTHER AGENCIES

SEC. 301. *Department of the Treasury.* There are hereby delegated to the Secretary of the Treasury:

(a) The functions conferred upon the President by subsections (a)(2) and (b) of section 514 of the Act [subsecs. (a)(2) and (b) of former setcion 2321g of this title] and by the second sentence of section 612(a) of the Act [section 2362(a) of this title], and by subsections (f) and (g) of section 634 of the Act [subsecs. (f) and (g) of section 2394 of this title].

* * * * *

(c) In carrying out the functions under section 514 of the Act [section 2321g of this title] delegated to him by this order, the Secretary of the Treasury shall consult with the Secretary of State.

* * * * *

SEC. 306. *Development Coordination Committee.* (a) In accordance with section 640B of the act [section 2399c of this title], there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Administrator of the Agency for International Development, who shall be Chairman; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; the Executive Director of the Council on International Economic Policy; a representative of the Assistant to the President for national security affairs; the President of the Export-Import Bank of the United States; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under paragraph (a) of this section, the Chairman of the Committee may consult with such agencies and may invite them to designate representatives to paricipate in meetings and deliberations of the Committee.

(c) Under the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance.

(d) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs, and activities referred to in paragraph (c) of this Section.

(e) Nothing herein shall be deemed to derogtae from the responsibilities of the Secretary of State, the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

PART IV.—RESERVED FUNCTIONS

SEC. 401. *Reservation of functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 504(b), 613(a), 614(a), 620(a), 620(d), 621(a), 622(b), 622(c), 633(a), and 633(b) of the Act [sections 2312(b), 2363(a), 2364(a), 2370 (a), (d), subsection (a) of this section, 2382 (b), (c), 2393 (a), (b), and 2394(a) of this title].

* * * * *

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 202(b), 205, 303, 481, 505(b)(4), 506(a), 604(a), 610, 614(c), 624(d)(7), 632(b), and 634(c) of the Act [sections 2162 (b), 2165, 2223, 2291, 2314(b)(4), 2318(a), 2354(a), 2360, 2364(c), 2384(d)(7), 2392(b), and 2394(c) of this title].

(d) The following-described functions conferred upon the President:

* * * * *

(2) Those under sections 505(b)(1), (2), and (3) [section 2314(b)(1), (2), and (3) of this title] in respect

of countries which do not agree to the conditions set forth therein.

(3) [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 FR 20155]

* * * * *

(5) That under the second sentence of section 654(c) [section 2414(c) of this title] with respect to the publication in the *Federal Register* of any finding or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) [section 2414(a) of this title] is also authorized to reach the conclusion specified in the second sentence of section 654(c) [section 2414(c) of this title] in performance of the function delegated to him.

* * * * *

(g) That under section 502 of the Foreign Assistance and Related Programs Appropriation Act, 1972 (86 Stat. 55), with respect to certification.

* * * * *

PART VI.—GENERAL PROVISIONS

SEC. 601. *Definitions.* (a) As used in this order, the words "the Act" mean the Foreign Assistance Act of 1961, as amended, [this chapter] exclusive of Part IV thereof.

* * * * *

SEC. 604. *References to orders and Acts.* Except as may for any reason be inappropriate:

* * * * *

(f) In conformity with section 202(b) of the Act of February 7, 1972 (P.L. 92–226; 86 Stat. 27) [set out as a note under section 2346 of this title], references in this order to Part I of the Act [section 2151 et seq. of this title], shall be deemed to include also chapter 4 of Part II of the Act [sections 2346–2346b of this title], and references in this order to Part II of the Act [section 2301 et seq. of this title] shall be deemed to exclude chapter 4 of Part II of the Act [section 2346–2346b of this title].

* * * * *

Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, as amended, was superseded insofar as any provision therein was in conflict with any provision of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2383. Secretary of Defense; responsibilities; priorities in procurement, delivery, and allocation of military equipment.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2384. Statutory officers.

* * * * *

(e) Coordinator for security assistance.

In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs. (As amended Pub. L. 92–226, pt. III, § 302, Feb. 7, 1972, 86 Stat. 28.)

AMENDMENTS

1972—Subsec. (e). Pub. L. 92–226 added subsec. (e).

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2385, 2389 of this title.

§ 2385. Employment of personnel.

* * * * *

(k) Foreign Service Retirement and Disability System.

(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the agency primarily responsible for administering subchapter I of this chapter shall become participants in the Foreign Service Retirement and Disability System:

(A) persons serving under unlimited appointments in employment subject to subsection (d)(2) of this section as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

(B) a person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, if (i) such person shall have served previously under an unlimited appointment pursuant to such subsection (d)(2) of this section or a comparable provision of predecessor legislation to this chapter, and (ii) following service specified in clause (i) of this subparagraph, such person shall have served continuously with such agency or its predecessor agencies only in positions established under the authority of sections 2384(a) and 2391(b) of this title or comparable provisions of predecessor legislation to this chapter.

(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 1092 of this title. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 1071 of this title.

(3) The provisions of section 1006 of this title and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

(4) If an officer who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any agency of the United States Government, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (A) at the end of the month in which he reaches age seventy, or (B) earlier if, during the third year after January 1, 1975, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty. However, no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

(7) This subsection shall become effective on January 1, 1975, except that any officer or employee who, before January 1, 1975, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before January 1, 1975. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on January 1, 1975, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 1076 of this title.

(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with section 1007 (b) and (d) of this title. The provisions of subsection (e) of this section shall apply to participants in lieu of the provisions of sections 1003 and 1004 of this title. (As amended Pub. L. 93–189, § 16, Dec. 17, 1973, 87 Stat. 722.)

REFERENCES IN TEXT

Title VIII of the Foreign Service Act of 1946, as amended, referred to in subsec. (k)(3), is classified to section 1061 et seq. of this title.

AMENDMENTS

1973—Subsec. (k). Pub. L. 93–189 added subsec. (k).

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (d)(1) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2391, 2396 of this title.

§ 2387. Detail of personnel to foreign governments.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2388. Detail of personnel to international organizations.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2389. Status of personnel detailed to foreign governments or international organizations; representation allowances.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2390. Terms of detail or assignment of personnel.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2391. Missions and staffs abroad.

FLAG AND GENERAL OFFICERS

Pub. L. 94–11, title I, § 100, Mar. 26, 1975, 89 Stat. 20, provided in part that: "The total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975."

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2385 of this title.

§ 2392. Government agencies.

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including

part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321b, 2403 of this title.

§ 2393. Waiver of certain laws.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2394. Reports and information.

(a) Repealed. Pub. L. 92–226, pt. III, § 304(c)(2), Feb. 7, 1972, 86 Stat. 32.

* * * * *

(d) Presentation of programs to and notification of Congressional Committees; comparison of current fiscal year programs with those of previous year; foreign assistance data.

When requests are presented to the Congress for appropriations for fiscal year 1969 to carry out programs under this chapter, the programs to be carried out with the funds appropriated for that fiscal year shall also be presented to the Committee on Foreign Relations of the Senate, if requested by the chairman of that committee, and to the Committee on Foreign Affairs of the House of Representatives, if requested by the chairman of that committee. At the end of each fiscal year, the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives of all actions taken during the fiscal year under this chapter which resulted in furnishing assistance of a kind, for a purpose, or to an area, substantially different from that included in the presentation to the Congress during its consideration of this chapter or any Act appropriating funds pursuant to authorizations contained in this chapter, or which resulted in obligations or reservations greater by 50 per centum or more than the proposed obligations on reservations included in such presentation for the program concerned, and in his notification the President shall state the justification for such changes. There shall also be included in the presentation material submitted to the Congress during its consideration of amendments to this chapter, or of any Act appropriating funds pursuant to authorizations contained in this chapter, a comparison of the current fiscal year programs and activities with those presented to the Congress in the previous year and an explanation of any substantial changes. Any such presentation material shall also include (1) a chart showing on a country-by-country basis the full extent of all United States assistance planned or expected for each such country for the next fiscal year, including economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales under this chapter or any other Act and sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, (2) details of proposed contributions by the United States to multilateral financial agencies, for the next fiscal year, and (3) a statement of projects, on a country-by-country basis, for which financing was supplied during the last fiscal year through the Export-Import Bank. In addition, the President shall promptly notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives of any determination under section 2223, 2360(b), or 2364(b) of this title and of any finding, including his reasons therefor, under section 2311 or 2341(c) of this title.

* * * * *

(f) Repayment status of loans, contracts of guarantee, sales of defense articles or services, agricultural commodities, and transactions under Export-Import Bank Act of 1945.

The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a comprehensive report showing, as of June 30 and December 31 of each year, the status of each loan and each contract of guarantee or insurance theretofore made under this chapter, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954, with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945, with respect to which there remains outstanding any unpaid obligation or potential liability. Such report shall include individually only any loan, contract, sale, extension of credit, or other transaction listed in this subsection in excess of $1,000,000.

(g) Debt-servicing problems; debt relief; net aid flow.

The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.

(As amended Pub. L. 92–226, pt. III, § 304(a)(3), (c)(2), Feb. 7, 1972, 86 Stat. 28, 32; Pub. L. 93–189, § 17, Dec. 17, 1973, 87 Stat. 724; Pub. L. 93–559, § 14, Dec. 30, 1974, 88 Stat. 1799.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsecs. (d) and (f), is classified to section 1691 et seq. of Title 7, Agriculture.

"Section 2341(c) of this title", referred to in subsec. (d), was repealed by Pub. L. 90–629, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

The Foreign Military Sales Act, referred to in subsec. (f), is classified to section 2751 et seq. of this title.

The Export-Import Bank Act of 1945, referred to in subsec. (f), is classified to section 635 et seq. of Title 12, Banks and Banking.

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–559 substituted in item (1) respecting presentation material "economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales" for "economic assistance and military grants and sales".

1973—Subsec. (f). Pub. L. 93–189 inserted references to contracts of guarantee or insurance, the status of sales of defense articles or defense services on credit terms, the status of sales of agricultural commodities on credit terms, and the status of loans, contracts of guarantee or insurance, or extensions of credit (or participations therein) made under the Export-Import Bank Act of 1945, and added provisions limiting the reporting requirement of the subsection so as to include only loans, contracts, sales, extensions of credit, or other transactions in excess of $1,000,000.

Subsec. (g). Pub. L. 93–189 added subsec. (g).

1972—Subsec. (a). Pub. L. 92–226, § 304(c)(2), struck out provisions for annual report to Congress concerning operations under this chapter, including information on the progress of the freedom of navigation and nondiscrimination declaration. See annual foreign assistance report provisions of section 2417 of this title.

Subsec. (d). Pub. L. 92–226, § 304(a)(3), substituted in last sentence reference to section "2360(b)" for prior reference to sections "2360, 2364(a)".

EFFECTIVE DATE OF 1972 AMENDMENT

Repeal of subsec. (a) of this section by section 304(c)(2) of Pub. L. 92–226, applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92–226, set out as a note under section 2417 of this title.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

§ 2395. General authorities.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (d) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

INFORMATION TO CONGRESSIONAL COMMITTEES ON NEGOTIATIONS REGARDING DEBTS OWED UNITED STATES BY FOREIGN GOVERNMENTS; TRANSMITTAL TO CONGRESS OF DEBT MODIFICATION PROPOSALS

Pub. L. 93–333, § 4, July 8, 1974, 88 Stat. 290, provided that: "The Secretary of State shall keep the appropriate committees of Congress fully and currently informed of the ongoing status of any negotiations with any foreign government regarding the cancellation, renegotiation, rescheduling, or settlement of any debt owed to the United States by any such foreign government under the Foreign Assistance Act of 1961. The Secretary of State shall transmit to the Speaker of the House of Representatives, and to the chairman of the appropriate Senate committee, the text of any international agreement proposing a modification in the terms of such debt no less than thirty days prior to its entry into force, together with a detailed explanation of the interest of the United States in such modification."

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2396. Availability of funds.

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of Subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title; and references to subchapter II as not including part IV of such subchapter II, sections 2346 to 2346b of this title, see Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2397. Administrative expenses.

(a) There is authorized to be appropriated to the President for each of the fiscal years 1974 and 1975, $45,000,000 for necessary administrative expenses of the agency primarily responsible for administering subchapter I of this chapter. The agency administering subchapter I of this chapter shall reduce the number of personnel, particularly administrative personnel, employed by it in order to conduct operations with the reduced amount of funds authorized for fiscal year 1969, except that such agency shall not take any action to limit or reduce auditing or training activities of such agency.

* * * * *

(As amended Pub. L. 92–226, pt. III, § 303, Feb. 7, 1972, 86 Stat. 28; Pub. L. 93–189, § 18, Dec. 17, 1973, 87 Stat. 724.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–189 substituted "for each of the fiscal years 1974 and 1975, $45,000,000", for "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

1972—Subsec. (a). Pub. L. 92–226 authorized appropriations of $50,000,000 for fiscal years 1972 and 1973, and struck out appropriation authorization of $51,125,000 for fiscal years 1970 and 1971.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I, sections 2241 to 2243 of this title, repealed; part IV of subchapter II, sections 2346 to 2346b of this title, deemed references superseding prior references; and references to subchapter I deemed references also to part IV of subchapter II, sections 2346 to 2346b of this title, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2392, 2396, 2413 of this title.

§ 2399. Repealed. Pub. L. 94–161, title I, § 101(6), Dec. 20, 1975, 89 Stat. 850.

Section, Pub. L. 87–195, pt. III, § 639, as added Pub. L. 80–171, pt. III, § 302(k), Sept. 6, 1965, 79 Stat. 661, and amended Pub. L. 93–559, § 28(a), Dec. 30, 1974, 88 Stat. 1803, provided for famine or disaster relief, authorized appropriation of $40,000,000 for fiscal year 1975, and required Presidential reports to Committees of the Senate and Speaker of the House, and is now covered by sections 2292 and 2292a of this title.

§§ 2399–1a, 2399–1b. Transferred.

CODIFICATION

Sections 2399–1a and 2399–1b transferred to sections 2292d and 2292e, respectively, of this title.

§ 2399c. Coordination of policies and programs.

(a) Development Coordination Committee established.

The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering subchapter I of this chapter, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

(b) Procedures to assure coordination.

The President shall prescribe appropriate procedures to assure coordination among—

(1) the various departments and agencies of the United States Government having representatives in diplomatic missions abroad; and

(2) representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

The President shall keep the Congress advised of his actions under this subsection.

(c) Guidance of Secretary of State.

Programs authorized by this chapter shall be undertaken with the foreign policy guidance of the Secretary of State.

(d) Presidential reports to Congress.

The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages, and working conditions in the United States. (Pub. L. 87–195, pt. III, § 640B, as added Pub. L. 93–189, § 21, Dec. 17, 1973, 87 Stat. 725.)

DEVELOPMENT COORDINATION COMMITTEE

For provisions relating to the establishment of the Development Coordination Committee, see section 306 of Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

§ 2399d. Shipping differential.

For the purpose of facilitating implementation of section 1241(b) of Title 46, funds made available for the purposes of part I of subchapter I of this chapter or for purposes of subchapter IV of this chapter may be used to make grants to recipients to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible. (Pub. L. 87–195, pt. III, § 640C, as added Pub. L. 93–189, § 21, Dec. 17, 1973, 87 Stat. 726.)

PART III.—MISCELLANEOUS PROVISIONS

§ 2403. Definitions.

As used in this chapter—

* * * * *

(g) "Excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this chapter.

* * * * *

(l) Repealed. Pub. L. 93–189, § 22(2), Dec. 17, 1973, 87 Stat. 726.

* * * * *

(m) "Value" means—

(1) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 2392(d) of this title such actual value shall not be taken into account;

(2) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this chapter, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

(3) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this chapter, the contract or production costs of such article; and

(4) with respect to a defense service, the cost to the United States Government of such service.

(As amended Pub. L. 92–226, pt. III, § 304(c)(1), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189 § 22, Dec. 17, 1973, 87 Stat. 726.)

AMENDMENTS

1973—Subsec. (g). Pub. L. 93–189, § 22(1), substituted "Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components" for "mobilization reserve".

Subsec. (l). Pub. L. 93–189, § 22(2), struck out subsec. (l) which defined the term "mobilization reserve".

Subsec. (m)(1). Pub. L. 93–189, § 22(3), inserted "the actual value of the article plus" and substituted "the article, except that for purposes of section 2392(d) of this title such actual value shall not be taken into account" for "such articles".

Subsec. (m)(2). Pub. L. 93–189, § 22(3), substituted "the acquisition cost to the United States Government, adjusted as appropriate for conditions and market value;" for "the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and marked values; and".

Subsec. (m)(3). Pub. L. 93–189, § 22(3), substituted "a nonexcess defense article" for "nonexcess defense articles" and "article; and" for "articles."

Subsec. (m)(4). Pub. L. 93–189, § 22(3), added subsec. (m)(4).

1972—Subsec. (m). Pub. L. 92–226 substituted " 'Value' means, other than in section 2417 of this title" for " 'Value' means".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–226 applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92–226, set out as a note under section 2417 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321b, 2321c, 2392, 2794 of this title.

§ 2406. Development programs for dependable fuel supplies.

NUCLEAR POWERPLANTS IN ISRAEL OR EGYPT

Pub. L. 93–559, § 43, Dec. 30, 1974, 88 Stat. 1813, provided that: "None of the funds authorized by this Act [see Short Title note set out under section 2151 of this title] may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant in Israel or Egypt, which has been approved under an agreement for cooperation between the United States and either such country."

§ 2411. Limitation upon exercise of special authorities.

The President shall not exercise any special authority granted to him under section 2318(a), 2360(a), or 2364(a) of this title unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this chapter under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority. (As amended Pub. L. 92–226, pt. III, § 304(a)(1), Feb. 7, 1972, 86 Stat. 28.)

REFERENCES IN TEXT

"This chapter", referred to in the text, was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

AMENDMENTS

1972—Pub. L. 92–226 struck out provision which limited exercise of special authority for purpose of providing additional assistance to Cambodia and which required thirty days notice to congressional committee (ten days in emergencies requiring immediate assistance) of intention to exercise such authority.

FUNDS NOT TO BE USED TO FINANCE INTRODUCTION OF UNITED STATES GROUND COMBAT TROOPS INTO CAMBODIA OR PROVIDE ADVISERS FOR SECURITY OR INTELLIGENCE FORCES IN CAMBODIA; ASSISTANCE TO CAMBODIA NOT TO BE CONSTRUED AS COMMITMENT BY UNITED STATES TO CAMBODIA FOR ITS DEFENSE

Section 7 of Pub. L 91–652, as amended by Pub. L. 92–226, pt. IV, § 408, Feb. 7, 1972, 86 Stat. 35, provided that:

"(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for military, paramilitary, police, or other security or intelligence forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

§ 2412. Limitation on foreign assistance appropriations.

CODIFICATION

Section was not enacted as part of The Foreign Assistance Act of 1961, which comprises this chapter.

§ 2413. Change in allocation of foreign assistance; report to Congress; continuing appropriations exception; waiver.

(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this chapter (other than section 2261 or 2397 of this title), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each.

(b) Notwithstanding any other provision of law, no military grant assistance security supporting assistance, assistance under part I of subchapter I of this chapter, or assistance under subchapter V of this chapter, may be furnished to any country or international organization in any fiscal year, if such assistance exceeds by 10 percent or more the amount of such military grant assistance, security supporting assistance, assistance under part I of subchapter I of this chapter, or assistance under subchapter V of

this chapter, as the case may be, set forth in the report required by subsection (a) of this section, unless—

(1) the President reports to the Congress, at least ten days prior to the date on which such excess funds are provided, the country or organization to be provided the excess funds, the amount and category of the excess funds, and the justification for providing the excess funds; and

(2) in the case of military grant assistance or security supporting assistance, the President includes in the report under paragraph (1) his determination that it is in the security interest of the United States to provide the excess funds.

This subsection shall not apply if the excess funds provided in any fiscal year to any country or international organization for any category of assistance are less than $1,000,000.

(c) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 2364(a) of this title. (Pub. L. 87–195, pt. III, § 653, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 28, and amended Pub. L. 93–559, § 21, Dec. 30, 1974, 88 Stat. 1801.)

REFERENCES IN TEXT

"This chapter", referred to in the text, was in the original "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559, § 21(1), struck out provisions limiting the military grant assistance or security supporting assistance to any foreign country or international organization to an amount not more than 10 percent of funds authorized under any law unless the President determines that it would be in the security interests of the United States to provide excess funds and reports to Congress the identity of the recipient, the amount of excess funds provided, and the justification for additional assistance, now covered in subsec. (b) of this section.

Subsec. (b). Pub. L. 93–559, § 21(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93–559, § 21(2), redesignated former subsec. (b) as (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2360 of this title.

§ 2414. Presidential findings and determinations.

(a) Report to Congress.

In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this chapter, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) Action prohibition prior to execution of report.

No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Publication in Federal Register.

Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) Information accessible to Congress prior to transmission of report.

No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this chapter, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress. (Pub. L. 87–195, pt. III, § 654, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a) and (d), was in the original, "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

Foreign Military Sales Act, referred to in subsecs. (a) and (d), is classified to chapter 39 (section 2571 et seq.) of this title.

§ 2415. Cambodian assistance limitations.

(a) Obligation authority limitation during fiscal year ending June 30, 1975.

Notwithstanding any other provision of law, no funds authorized to be appropriated by this chapter or any other law may be obligated in any amount in excess of $377,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1975. Of that sum, there shall be available no more than $200,000,000 for military assistance. In addition to such $377,000,000, defense articles and services may be ordered under section 2318 of this title for Cambodia in an amount not to exceed $75,000,000 in fiscal year 1975.

(b) Computation of amount; value.

In computing the $377,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1975, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United

States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) Specific authorization for obligation of funds during fiscal years beginning after June 30, 1972.

No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after February 7, 1972. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

(d) Combat air operations over Cambodia excluded from obligation authority limitation.

The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

(e) Cambodian aid request; report to Congress.

After February 7, 1972, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(f) Funds for Cambodia; report to Congress; general breakdown.

The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

(g) Assistance to Cambodia not a commitment of United States to defense of Cambodia.

Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense. (Pub. L. 87–195, pt. III, § 655, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29, and amended Pub. L. 93–559, § 39(a), Dec. 30, 1974, 88 Stat. 1810.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559, § 39(a)(1), (2), substituted "$377,000,000" for $341,000,000", and "1975" for "1972", and authorized $200,000,000 for military assistance, and $75,000,000 for defense articles and services for Cambodia in fiscal year 1975.

Subsec. (b). Pub. L. 93–559, § 39(a)(3), (4), substituted "$377,000,000" and "1975" for "$341,000,000" and "1972".

CAMBODIAN ASSISTANCE; FUNDS ALLOCATION AND RESTRICTIONS; COMMITMENT FOR DEFENSE

Section 39(c)–(f) of Pub. L. 93–559 provided that:

"(c) The $100,000,000 made available in accordance with section 36(a)(2) of this Act [set out as a note under section 2432 of this title] shall be allocated as follows:

"(1) $20,000,000 for humanitarian assistance;

"(2) $63,000,000 for commodity import assistance;

"(3) $15,000,000 for multilateral stabilization assistance; and

"(4) $2,000,000 for technical support and participant training.

"(d) No funds made available in accordance with section 36(a)(2) [set out as a note under section 2432 of this title] may be transferred to, or consolidated with, the funds allocated for military assistance to Cambodia under section 655(a) of the Foreign Assistance Act of 1961 [subsec. (a) of this section], nor may more than 20 per centum of the funds made available under any paragraph of subsection (c) of this section be transferred to, or consolidated with, the funds made available under any other such paragraph.

"(e) No funds may be obligated for any of the purposes described in section 655(a) of the Foreign Assistance Act of 1961 [subsec. (a) of this section] in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section [Dec. 30, 1974]. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(f) This section shall not be construed as a commitment by the United States to Cambodia for its defense."

SPECIFIC AUTHORIZATION NOT REQUIRED FOR OBLIGATION OF FUNDS FOR ASSISTANCE AUTHORIZED TO BE FURNISHED FOR FISCAL YEAR 1974

Pub. L. 93–189, § 12(c), Dec. 17, 1973, 87 Stat. 722, provided that: "Section 655(c) [subsec. (c) of this section] shall not apply to assistance authorized to be furnished under any provision of law for fiscal year 1974."

§ 2416. Limitations on United States personnel and personnel assisted by United States in Cambodia; air operations and volunteer humanitarian assistance exclusions; executive agency of the United States Government.

The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, "executive agency of the United States Government" means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government. This section shall not be construed to apply with respect to any individual in Cambodia who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in Cambodia. (Pub. L. 87–195, pt. III, § 656, as added Pub. L. 92–226, pt. III,

§ 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93–559, § 39(b), Dec. 30, 1974, 88 Stat. 1810.)

AMENDMENTS

1974—Pub. L. 93–559 made it clear that the limitations of the section were not to apply to certain volunteer workers providing humanitarian assistance.

§ 2417. Annual foreign assistance report.

(a) An informed Congress and American people as the purpose for the report; information requirements and explanations.

In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggreagate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

(3) the aggregate dollar value of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of such implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year;

(4) all exports of significant defense articles on the United States Munitions List to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this chapter or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States, including but not limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad; and

(5) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (4) of this subsection.

(b) Public information; supplemental report for information detrimental to Federal security; concurrent transmission of report and supplement.

All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the same time that the report is transmitted.

(c) Agents for acceptance of report or supplement upon transmission to a Congress not in session and for presentation of the same to the Houses upon their convening.

If the Congress is not in session at the time a report or supplemental report is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplemental report on behalf of their respective Houses of Congress and present the report or supplemental report to the two Houses immediately upon their convening.

(d) Definitions.

For the purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(Pub. L. 87–195, pt. III, § 657, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93–189, § 23, Dec. 17, 1973, 87 Stat. 726.)

AMENDMENTS

1973—Subsec. (a)(3). Pub. L. 93–189 substituted "weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war," for "arms, ammunitions, and other implements of war," and "each category of such implements of war," for "each category of such arms, ammunitions, and implements of war,".

Subsec. (a)(4). Pub. L. 93–189 added subsec. (a)(4). Former subsec. (a)(4) redesignated (a)(5).

Subsec. (a)(5). Pub. L. 93–189 redesignated former subsec. (a)(4) as (a)(5) and substituted reference to clauses (1) through (4) of this subsection for references to clauses (1)–(3) of this subsection.

Subsec. (d)(3). Pub. L. 93–189 struck out subsec. (d)(3) which defined the term "value".

EFFECTIVE DATE

Section 304(c)(3) of Pub. L. 92–226 provided that: "The provisions of this subsection [repealing section 2394(a) and amending section 2403(m) of this title] and section 657 of such Act, as added by subsection (b) of this Act [this section], shall apply with respect to each fiscal year commencing on or after July 1, 1971."

SECTION REFERRED TO OTHER SECTIONS

This section is referred to in title 7 sections 1706, 1726.

§ 2418. Limitation on use of funds.

(a) Certification of release of impounded funds for obligation and expenditure.

Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this chapter or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and Department of Health, Education, and Welfare have been released for obligation and expenditure.

(b) Funds and appropriations not subject to restriction.

The provisions of this section shall not apply—

(1) to funds being withheld in accordance with specific requirements of law; and

(2) to appropriations obligated or expended prior to April 30, 1972.

(Pub. L. 87–195, pt. III, § 658, as added Pub. L. 92–226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 32.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), was in the original, "this Act", meaning Pub. L. 87–195. For classification of Pub. L. 87–195 in the Code, see note under section 2151 of this title.

Foreign Military Sales Act, referred to in subsec. (a), is classified to chapter 39 (section 2571 et seq.) of this title.

§ 2419. Access to certain military bases abroad.

None of funds authorized to be appropriated for foreign assistance (including foreign military sales, credit sales, and guaranties) under this chapter may be used to provide any kind of assistance to any foreign country in which a military base is located if—

(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

(2) personnel of the United States carry out military operations from such base;

unless and until the President has determined that the government of such country has, consistent with security authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base. (Pub. L. 87–195, pt. III, § 659, as added Pub. L. 93–559, § 29(a), Dec. 30, 1974, 88 Stat. 1803.)

§ 2420. Police training prohibition.

(a) On and after July 1, 1975, none of the funds made available to carry out this chapter, and none of the local currencies generated under this chapter, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 3763(c) of Title 42, with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 2291a of this title; or

(2) to any contract entered into prior to December 30, 1974, with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2), subsection (a) of this section shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after December 30, 1974. (Pub. L. 87–195, pt. III, § 660, as added Pub. L. 93–559, § 30(a), Dec. 30, 1974, 88 Stat. 1803.)

§ 2421. Reimbursable development programs.

The President is authorized to use up to $1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975, $2,000,000 in the fiscal year 1976, and $2,000,000 in the fiscal year 1977, to work with friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under subchapter I of this chapter, in (1) facilitating open and fair access to natural resources of interest to the United States and (2) stimulation of reimbursable aid programs consistent with subchapter I of this chapter. Any funds used for purposes of this section may be used notwithstanding any other provision of this chapter. (Pub. L. 87–195, pt. III, § 661, as added Pub. L. 93–559, § 31, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 94–161, title III, § 316, Dec. 20, 1975, 89 Stat. 867.)

AMENDMENTS

1975—Pub. L. 94–161 increased usable funds in fiscal year 1976 to $2,000,000 from $1,000,000 and authorized use of $2,000,000 in fiscal year 1977.

§ 2422. Intelligence activities.

(a) Limitations; Presidential report to Congress.

No funds appropriated under the authority of this chapter or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives.

(b) Military operations exception.

The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution. (Pub. L. 87–195, pt. III, § 662, as added Pub. L. 93–559, § 32, Dec. 30, 1974, 88 Stat. 1804.)

REFERENCES IN TEXT

War Powers Resolution, referred to in subsec. (b), is classified to chapter 33 (section 1541 et seq.) of Title 50, War and National Defense.

§ 2423. Exchanges of certain materials.

(a) Agreement for necessary or strategic raw material; definition.

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term "necessary or strategic raw material" includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

(b) Allocation of raw materials to Federal agencies.

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

(c) Deposits in United States Treasury of funds from disposal of materials.

Funds received from any disposal of materials under subsection (b) of this section shall be deposited as miscellaneous receipts in the United States Treasury. (Pub. L. 87–195, pt. III, § 663, as added Pub. L. 93–559, § 32, Dec. 30, 1974, 88 Stat. 1805.)

REFERENCES IN TEXT

Foreign Military Sales Act, referred to in subsec. (a), is classified to chapter 39 (section 2751 et seq.) of this title.

§ 2424. Waiver of prohibition against assistance to countries engaging in certain trade or shipping.

Any provision of this chapter which prohibits assistance to a country because that country is engaging in trade with a designated country, or because that country permits ships or aircraft under its registry to transport any equipment, materials, or commodities to or from such designated country, may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress. (Pub. L. 87–195, pt. III, § 664, as added Pub. L. 93–559, § 33, Dec. 30, 1974, 88 Stat. 1805.)

§ 2425. Authorization of appropriations for interim period July 1, 1976, through September 30, 1976; limitation of amount.

There are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such amounts as may be necessary to conduct programs and activities for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975, in accordance with the provisions applicable to such programs and activities for such fiscal year, except that the total amount appropriated for such period shall not exceed one-fourth of the total amount authorized to be appropriated for the fiscal year 1976 for such programs and activities. (Pub. L. 87–195, pt. III, § 665, as added Pub. L. 94–161, title III, § 317, Dec. 20, 1975, 89 Stat. 867.)

REFERENCES IN TEXT

For classification in the Code of International Development and Food Assistance Act of 1975, referred to in the text, see Short Title note set out under section 2151 of this title.

§ 2426. Discrimination against United States personnel; rules and regulations.

(a) The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

(b) Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this chapter on the basis of the race, religion, national origin, or sex of such officer or employee.

(c) The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section. (Pub. L. 87–195, pt. III, § 666, as added Pub. L. 94–161, title III, § 318, Dec. 20, 1975, 89 Stat. 868.)

§ 2427. Operating expenses.

Nothing in this chapter is intended to preclude the Committees on Appropriations, in appropriation legislation, from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter and limiting the availability of other sums therefor. (Pub. L. 87–195, pt. III, § 667, as added Pub. L. 94–161, title III, § 319, Dec. 20, 1975, 89 Stat. 868.)

SUBCHAPTER IV.—INDOCHINA POSTWAR RECONSTRUCTION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2151m, 2304, 2399d of this title.

§ 2431. General authority.

The President is authorized to furnish, on such terms and conditions as he may determine, assist-

ance for relief and reconstruction of South Vietnam, Cambodia, and Laos, including especially humanitarian assistance to refugees, civilian war casualties, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia, and Laos. No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this subchapter, and no local currencies generated as a result of assistance furnished under this subchapter, will be used for support of police, or prison construction and administration, within South Vietnam. (Pub. L. 87–195, pt. V, § 801, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728.)

INDOCHINA POLICY; REPORT TO CONGRESS

Pub. L. 93–559, § 34, Dec. 30, 1974, 88 Stat. 1805, provided that:

"(a) The Congress finds that the cease-fire provided for in the Paris Agreement on Ending the War and Restoring Peace in Vietnam has not been observed by any of the Vietnamese parties to the conflict. Military operations of an offensive and defensive nature continue throughout South Vietnam. In Cambodia, the civil war between insurgent forces and the Lon Nol government has intensified, resulting in widespread human suffering and the virtual destruction of the Cambodian economy.

"(b) The Congress further finds that continuation of the military struggles in South Vietnam and Cambodia are not in the interest of the parties directly engaged in the conflicts, the people of Indochina or world peace. In order to lessen the human suffering in Indochina and to bring about a genuine peace there, the Congress urges and requests the President and the Secretary of State to undertake the following measures:

"(1) to initiate negotiations with representatives of the Soviet Union and the People's Republic of China to arrange a mutually agreed-upon and rapid de-escalation of military assistance on the part of the three principal suppliers of arms and material to all Vietnamese and Cambodian parties engaged in conflict;

"(2) to urge by all available means that the Government of the Khmer Republic enter in negotiations with representatives of the Khmer Government of National Union for the purpose of arranging an immediate cease-fire and political settlement of the conflict; and to use all available means to establish contact with the Khmer Government of National Union, and to urge them to participate in such negotiations. The United States should urge all Cambodian parties to use the good offices of the United Nations or a respected third country for the purpose of bringing an end to hostilities and reaching a political settlement;

"(3) to utilize any public or private forum to negotiate directly with representatives of the Democratic Republic of Vietnam, the Provisional Revolutionary Government, and the Republic of Vietnam to seek a new cease-fire in Vietnam and full compliance with the provisions of the Paris Agreement on Ending the War and Restoring Peace in Vietnam, including a full accounting for Americans missing in Indochina;

"(4) to reconvene the Paris Conference to seek full implementation of the provisions of the Agreement of January 27, 1973, on the part of all Vietnamese parties to the conflict; and

"(5) to maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation at regular intervals on the progress toward obtaining a total cessation of hostilities in Indochina and a mutual reduction of military assistance to that area."

INDOCHINA ECONOMIC AID; GOVERNING PRINCIPLES

Pub. L. 93–559, § 35, Dec. 30, 1974, 88 Stat. 1806, provided that:

"(a) Congress calls upon the President and Secretary of State to take the following actions designed to maximize the benefit of United States economic assistance:

"(1) to organize a consortium to include multilateral financial institutions to help plan for Indochina reconstruction and development; to coordinate multilateral and bilateral contributions to the area's economic recovery; and to provide continuing advice to the recipient nations on the use of their own and outside resources;

"(2) to develop, in coordination with the recipient governments, other donors, and the multilateral financial institutions, a comprehensive plan for Indochina reconstruction and economic development;

"(3) to develop country-by-country reconstruction and development plans, including detailed plans for the development of individual economic sectors, that can be used to identify and coordinate specific economic development projects and programs and to direct United States resources into areas of maximum benefits;

"(4) to shift the emphasis of United States aid programs from consumption-oriented expenditures to economic development;

"(5) to identify possible structural economic reforms in areas such as taxation, exchange rates, savings mechanisms, internal pricing, income distribution, land tenure, budgetary allocations and corruption, which should be undertaken if Indochinese economic development is to progress;

"(6) to include in Indochina economic planning and programing specific performance criteria and standards which will enable the Congress and the executive branch to judge the adequacy of the recipient's efforts and to determine whether, and what amounts of, continued United States funding is justified; and

"(7) to provide humanitarian assistance to Indochina wherever practicable under the auspices of and by the United Nations and its specialized agencies, other international organizations or arrangements, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel.

"(b) This section shall not be construed to imply continuation of a United States financial commitment beyond the authorization provided for in this Act [see Short Title note under section 2151 of this title] or amendments made by this Act [see Short Title note under section 2151 of this title]."

SOUTH VIETNAMESE ASSISTANCE; LIMITATIONS; TRANSFER OF FUNDS: NOTIFICATION OF SPEAKER OF HOUSE AND SENATE FOREIGN RELATIONS COMMITTEE; PRESIDENTIAL REPORTS TO CONGRESS; UNITED STATES CIVILIAN OFFICERS AND EMPLOYEES IN SOUTH VIETNAM; LIMITATION; "EXECUTIVE AGENCY OF THE UNITED STATES GOVERNMENT" DEFINED; NONAPPLICABILTY.

Pub. L. 93–559, § 38, Dec. 30, 1974, 88 Stat. 1808, provided that:

"(a) The $449,900,000 made available in accordance with section 36(a)(1) of this Act [set out under section 2432 of this title] shall be allocated as follows:

"(1) $90,000,000 for humanitarian assistance, of which there shall be available—

"(A) $70,000,000 for refugee relief;

"(B) $10,000,000 for child care; and

"(C) $10,000,000 for health care;

"(2) $154,500,000 for agricultural assistance, of which there shall be available—

"(A) $85,000,000 for fertilizer;

"(B) $12,000,000 for POL (for agriculture);

"(C) $6,000,000 for insecticides and pesticides;

"(D) $10,000,000 for agricultural machinery and equipment (including spare parts);

"(E) $3,500,000 for agricultural advisory services;

"(F) $20,000,000 for rural credit;

"(G) $10,000,000 for canal dredging;

"(H) $4,000,000 for low-lift pumps; and

"(I) $4,000,000 for fish farm development;

"(3) $139,800,000 for industrial development assistance of which there shall be available—

"(A) $124,000,000 for commodities;

"(B) $10,000,000 for industrial credit; and

"(C) $5,800,000 for industrial advisory services (including feasibility studies);

"(4) $65,600,000 for miscellaneous assistance, of which there shall be available—

"(A) $47,900,000 for the service sector (including POL, machinery equipment, and spare parts); and

"(B) $17,700,000 for technical services and operating expenses.

"(b)(1) No funds made available in accordance with section 36(a)(1) [set out under section 2432 of this title] may be transferred to, or consolidated with, the funds made available for military assistance, nor may more than 20 per centum of the funds made available under paragraph (1), (2), (3), or (4) of subsection (a) of this section be transferred to, or consolidated with, the funds made available under any other such paragraph.

"(2) Whenever the President determines it to be necessary in carrying out this section, any funds made available under any subparagraph of paragraph (1), (2), (3), or (4) of subsection (a) of this section may be transferred to, and consolidated with, the funds made available under any other subparagraph of that same paragraph.

"(3) The President shall fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of each transfer he intends to make under paragraph (1) or (2) of this subsection prior to making such transfer.

"(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of South Vietnam in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section [Dec. 30, 1974]. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(d) After the date of enactment of this section [Dec. 30, 1974], whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of South Vietnam for any fiscal year the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(e) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of South Vietnam during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

"(f)(1) Effective six months after the date of enactment of this section [Dec. 30, 1974], the total number of civilian officers and employees, including contract employees, of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States present in South Vietnam shall not at any one time exceed four thousand, not more than two thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense. Effective one year after the date of enactment of this section [Dec. 30, 1974], such total number shall not exceed at any one time three thousand, not more than one thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense.

"(2) Effective six months after the date of enactment of this section [Dec. 30, 1974], the United States shall not, at any one time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eight hundred individuals in South Vietnam who are citizens of countries other than South Vietnam or the United States. Effective one year after the date of enactment of this section [Dec. 30, 1974], the total number of individuals whose compensation or allowance is so paid shall not exceed at any one time five hundred.

"(3) For purposes of this subsection, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"(4) This subsection shall not be construed to apply with respect to any individual in South Vietnam who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in South Vietnam.

"(g) This section shall not be construed as a commitment by the United States to South Vietnam for its defense."

LAOTIAN ASSISTANCE; LIMITATIONS; TRANSFER OF FUNDS; "VALUE" DEFINED; PRESIDENTIAL REPORTS TO CONGRESS

Pub. L. 93–559, § 40, Dec. 30, 1974, 88 Stat. 1811, provided that:

"(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $70,000,000 during the fiscal year ending June 30, 1975, for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos. Of that amount, there shall be available—

"(1) $30,000,000 for military assistance; and

"(2) $40,000,000 only for economic assistance, of which there shall be available—

"(A) $11,000,000 for humanitarian assistance;

"(B) $6,500,000 for reconstruction and development assistance;

"(C) $16,100,000 for stabilization assistance; and

"(D) $6,400,000 for technical support.

"(b) No funds made available under paragraph (2) of subsection (a) of this section may be transferred to, or consolidated with, the funds made available under paragraph (1) of such subsection, nor may more than 20 per centum of the funds made available under any subparagraph of paragraph (2) be transferred to, or consolidated with, the funds made available under any other such subparagraph.

"(c) In computing the limitations on obligation authority under subsection (a) of this section with respect to such fiscal year, there shall be included in the computation the value of any goods, supplies, materials, equipment, services, personnel, or advisers provided, to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(d) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section [Dec. 30, 1974]. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(e) After the date of enactment of this section [Dec. 30, 1974], whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of Laos, for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of Laos during the preceding quarter by the United States Government and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

"(g) This section shall not be construed as a commitment by the United States to Laos for its defense."

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 93–559, § 48, Dec. 30, 1974, 88 Stat. 1816, provided that:

"(a) There are authorized to be appropriated to the Department of State for fiscal year 1975 not to exceed $16,526,000 for payments by the United States to help meet expenses of the International Commission of Control and Supervision in Vietnam. Funds appropriated under this subsection are authorized to be made available for reimbursement to the Agency for International Development of amounts expended by the Agency during fiscal year 1975 as interim United States payments to help meet expenses of the International Commission of Control and Supervision.

"(b) There are authorized to be appropriated to the Department of State not to exceed $11,200,000 for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development to help meet expenses of the International Commission on Control and Supervision in fiscal year 1974.

"(c) Reimbursements received by the Agency for International Development under this section may be credited to applicable appropriations of the Agency and shall be available for the purposes for which such appropriations are authorized to be used during fiscal year 1975."

REFERENCES TO SUBCHAPTER I DEEMED REFERENCES TO THIS SUBCHAPTER

Pub. L. 87–195, pt. V, § 805, as added by Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 729, provided that: "All references to part I [subchapter I of this chapter], whether heretofore or hereafter enacted, shall be deemed to be references also to this part [this subchapter] unless otherwise specifically provided. The authorities available to administer part I of this Act [subchapter I of this chapter] shall be available to administer programs authorized in this part [this subchapter]."

§ 2432. Authorization of appropriations.

There are authorized to be appropriated to the President to carry out the purposes of this subchapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $504,000,000, which amount is authorized to remain available until expended. (Pub. L. 87–195, pt. V, § 802, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728.)

CODIFICATION

This "subchapter", referred to in text, was, in the original, this "chapter" but was translated at this "subchapter" as the probable intent of Congress.

INDOCHINA POSTWAR RECONSTRUCTION; LIMITATIONS; AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1975; TRANSFER OF FUNDS

Pub. L. 93–559, § 36, Dec. 30, 1974, 88 Stat. 1807, provided that:

"(a) There are authorized to be appropriated to the President to furnish assistance for the relief and reconstruction of South Vietnam, Cambodia, and Laos, in addition to funds otherwise available for such purposes, for the fiscal year 1975 not to exceed $617,000,000. Of the amount appropriated for fiscal year 1975—

"(1) $449,900,000 shall be available only for the relief and reconstruction of South Vietnam in accordance with section 38 of this Act [set out under section 2431 of this title];

"(2) $100,000,000 shall be available only for the relief and reconstruction of Cambodia in accordance with section 39 of this Act [amending sections 2415(a), (b) and 2416 of this title and enacting provisions set out as a note under such section 2415];

"(3) $40,000,000 shall be available only for the relief and reconstruction of Laos in accordance with section 40 of this Act [set out under section 2431 of this title];

"(4) $4,100,000 shall be available only for the regional development program;

"(5) $16,000,000 shall be available only for support costs for the agency primarily responsible for carrying out this part [this subchapter]; and

"(6) $7,000,000 shall be available only for humanitarian assistance through international organizations. Such amounts are authorized to remain available until expended.

"(b) The authority of section 610(a) of the Foreign Assistance Act of 1961 [section 2360(a) of this title] may not be used in fiscal year 1975 to transfer funds made available for any provision of such Act of 1961 [this chapter] into funds made available for part V of such Act [this subchapter] for South Vietnam, Cambodia, or Laos under this section.

"(c) No assistance may be provided to South Vietnam, Cambodia, or Laos in fiscal year 1975 under part I [subchapter I of this chapter] (including chapter 4 of part II) [part IV of subchapter II of this chapter] of the Foreign Assistance Act of 1961. This prohibition may not be waived under section 614(a) of such Act of 1961 [section 2364(a) of this title] or any other provision of law.

"(d) Notwithstanding subsection (b) of this section, funds made available under any provision of this or any other law for the purpose of providing military assistance for South Vietnam, Laos, or Cambodia during fiscal year 1975 may be transferred to, and consolidated with, any funds made available to that country for war relief, reconstruction, or general economic development, if such transfer does not result in a greater amount than is allocated for such country under paragraph (1), (2), or (3) of subsection (a).

"(e) To the extent not inconsistent with the provisions of this Act [see Short Title note under section 2151 of this title], all prohibitions, restrictions, limitations, and authorities contained in the Foreign Assistance Act of 1961 [this chapter] which are applicable to part V of such Act of 1961 [this subchapter] shall apply with respect to the assistance authorized by this section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2433, 2434 of this title.

§ 2433. Assistance to South Vietnamese children.

(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 2432 of this title for fiscal year 1974, $5,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 per centum of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a) of this section. Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies. (Pub. L. 87–195, pt. V, § 803, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 728.)

FUNDS AVAILABLE FROM APPROPRIATIONS AUTHORIZATION FOR FISCAL YEAR 1975

Pub. L. 93–559, § 37, Dec. 30, 1974, 88 Stat. 1808, provided that:

"(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, particularly children fathered by United States citizens.

"(b) The President is, therefore, authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 36(a) of this Act [set out under section 2432 of this title], $10,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section. Not more than 10 per centum of the funds made available to carry out this section may be expended for the purposes referred to in clause (2) of subsection (a). Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or private voluntary agencies."

§ 2434. Assistance to Center for Plastic and Reconstructive Surgery in Saigon.

Of the funds appropriated pursuant to section 2432 of this title for the fiscal year 1974, not less than $712,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon. (Pub. L. 87–195, pt. V, § 804, as added Pub. L. 93–189, § 24, Dec. 17, 1973, 87 Stat. 729.)

§ 2435. Population, narcotics, international humanitarian and regional programs.

The provisions of sections 36(c), 38, 39, and 40 of the Foreign Assistance Act of 1974 shall not apply to: (1) funds obligated for purposes of subpart X of part II of subchapter I of this chapter (programs relating to population growth); (2) funds made available under section 2291a of this title (programs relating to narcotics control); (3) funds made available for humanitarian assistance through international organizations; or (4) funds obligated for regional programs. (Pub. L. 87–195, pt. V, § 806, as added Pub. L. 93–559, § 41, Dec. 30, 1974, 88 Stat. 1812.)

REFERENCES IN TEXT

Sections 36(c), 38, 39, and 40 of Foreign Assistance Act of 1974, referred to in text, are found in the Code as follows:

Section 36(c) as a note under section 2432 of this title;

Sections 38 and 40 as notes under section 2431 of this title; and

Section 39(a), (b) as amendments of sections 2415(a), (b) and 2416 of this title, and

Section 39(c)–(f) as a note under section 2415 of this title.

SUBCHAPTER V.—MIDDLE EAST ASSISTANCE [NEW]

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2151m, 2304, 2413 of this title.

§ 2441. Statement of policy; emigration restrictions barring funds.

The Congress recognizes that a peaceful and lasting resolution of the divisive issues that have contributed to tension and conflict between nations in the Middle East is essential to the security of the United States and the cause of world peace. The Congress declares and finds that the United States can and should play a constructive role in securing a just and durable peace in the Middle East by facilitating increased understanding between the Arab nations and Israel, and by assisting the nations in the area in their efforts to achieve economic progress and political stability, which are the essential foundations for a just and durable peace. It is the sense of Congress that United States assistance programs in the Middle East should be designated to promote mutual respect and security among the nations in the area and to foster a climate conducive to increased economic development, thereby contributing to a community of free, secure, and prospering nations in the Middle East.

It is further the sense of Congress that none of the funds authorized by this chapter should be provided to any nation which denies its citizens the right or opportunity to emigrate. (Pub. L. 87–195, pt. VI, § 901, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812.)

UNITED STATES PROPOSAL FOR THE EARLY WARNING SYSTEM IN SINAI

Pub. L. 94–110, Oct. 13, 1975, 89 Stat. 572, provided that:

"Whereas an agreement signed on September 4, 1975, by the Government of the Arab Republic of Egypt and the Government of Israel may, when it enters into force, constitute a significant step toward peace in the Middle East;

"Whereas the President of the United States on September 1, 1975, transmitted to the Government of the Arab Republic of Egypt and to the Government of Israel identical proposals for United States participation in an early-warning system, the text of which has been submitted to the Congress, providing for the assignment of no more than two hundred United States civilian personnel to carry out certain specified noncombat functions and setting forth the terms and conditions thereof;

"Whereas that proposal would permit the Government of the United States to withdraw such personnel if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary; and

"Whereas the implementation of the United States proposals for the early-warning system in Sinai may enhance the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreements and thereby promote the cause of peace: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to implement the 'United States Proposal for the Early Warning System in Sinai': *Provided, however,* That United States civilian personnel assigned to Sinai under such proposal shall be removed immediately in the event of an outbreak of hostilities between Egypt and Israel or if the Congress by concurrent resolution determines that the safety of such personnel is jeopardized or that continuation of their role is no longer necessary. Nothing contained in this resolution shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

"SEC. 2. Any concurrent resolution of the type described in the first section of this resolution which is introduced in either House of Congress shall be privileged in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93–148 [section 1544(c) of Title 50, War and National Defense] is privileged under section 7 of such law [section 1546 of Title 50].

"SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

"SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

"SEC. 5. The authority contained in this joint resolution to implement the 'United States Proposal for the Early Warning System in Sinai' does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch."

EX. ORD. NO. 11896. ESTABLISHMENT OF UNITED STATES SINAI SUPPORT MISSION

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, provided: By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Joint Resolution of October 13, 1975 (Public Law 94–110, 89 Stat. 572, 22 U.S.C. 2441 note) [set out as a note under this section], the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*) [this chapter], including but not limited to Sections 531, 621, 633, 901, and 903 thereof (22 U.S.C. 2346, 2381, 2393, 2441, 2443), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) In accordance with the Foreign Assistance Act of 1961, as amended, and notwithstanding the provisions of Part I of Executive Order No. 10973, as amended, [set out as a note under section 2381 of this title], there is hereby established the United States Sinai Support Mission, hereinafter referred to as the Mission.

(b) The Mission shall, in accordance with the Foreign Assistance Act of 1961, as amended, the Joint Resolution of October 13, 1975, and the provisions of this order, carry out the duties and responsibilities of the United States Government to implement the "United States Proposal for the Early Warning System in Sinai" in connection with the Basic Agreement between Egypt and Israel, signed on September 4, 1975, and the Annex to the Basic Agreement, subject to broad policy guidance received through the Assistant to the President for national security affairs, and the continuous supervision and general direction of the Secretary of State pursuant to Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)).

(c) It shall be the duty and responsibility of the Mission to ensure that the United States role in the Early Warning System enhances the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreement and thereby promotes the cause of peace.

(d) At the head of the Mission there shall be a Director, who shall be appointed by the President. The Director shall be a Special Representative of the President. There shall also be a Deputy Director, who shall be appointed by the President. The Deputy Director shall perform such duties as the Director may direct, and shall serve as the Director in the case of a vacancy in the office of the Director, or during the absence or disability of the Director.

(e) The Director and Deputy Director shall receive such compensation, as permitted by law, as the President may specify.

SEC. 2. (a) The Director shall exercise immediate supervision and direction over the Mission.

(b) The Director may, to the extent permitted by law, employ such staff as may be necessary.

(c) The Director may, to the extent permitted by law and the provisions of this order, enter into such contracts as may be necessary to carry out the purposes of this order.

(d) The Director may procure the temporary or intermittent services of experts or consultants, in accordance with the provisions of Section 626 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2386), and section 3109 of title 5 of the United States Code.

(e) As requested by the Director, the agencies of the Executive branch shall, to the extent permitted by law and to the extent practicable, provide the Mission with such administrative services, information, advice, and facilities as may be necessary for the fulfillment of the Mission's functions under this order.

SEC. 3. (a) In accordance with the provisions of Section 633 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2393), it is hereby determined to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, that the functions authorized by that act and required by this order, may be performed, subject to the provisions of subsection (b) of this Section, by the Director without regard to the following specified provisions of law and limitations of authority:

(1) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

(2) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(3) Section 2 of Title III of the Act of March 3, 1933 (47 Stat. 1520, 41 U.S.C. 10a).

(4) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(5) Section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) Section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), and Section 9 of the Act of June 30, 1906 (34 Stat. 764, 31 U.S.C. 627), so as to permit the indemnification of contractors against unusually hazardous risks, as defined in Mission contracts, consistent, to the extent practicable, with regulations prescribed by the Department of Defense pursuant to the provisions of the Act of August 28, 1958, as amended (50 U.S.C. 1431 *et seq.*) and Executive Order No. 10789 of November 14, 1958, as amended [set out as a note under section 1431 of Title 50, War and National Defense].

(6) Section 302(a) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 (a)), so as to permit the Sinai Support Mission to utilize the procurement regulations promulgated by the Department of Defense pursuant to Section 2202 of Title 10 of the United States Code.

(7) Section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254 (b)), so as to permit the payment of fees in excess of the prescribed fee limitations but nothing herein contained shall be construed to constitute authorization hereunder for the use of the cost-plus-a-percentage-of-cost system of contracting.

(8) Section 305 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 255).

(9) Section 901(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(a)).

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this Section shall be made only when determined in writing by the Director that such use is specifically necessary and in furtherance of the purposes of this Order and in the interests of the United States.

SEC. 4. (a) There is hereby established the Sinai Interagency Board, hereinafter referred to as the Board, which shall be composed of the following:

(1) The Secretary of State or his representative.

(2) The Secretary of Defense or his representative.

(3) The Administrator, Agency for International Development, or his representative.

(4) The Director of the United States Arms Control and Disarmament Agency or his representative.

(5) The Director of Central Intelligence or his representative.

(6) The Director of the United States Sinai Support Mission or his representative.

(b) The Director of the United States Sinai Support Mission or his representative shall be Chairman of the Board.

(c) The President may from time to time designate others to serve on, or participate in the activities of, the Board. The Board may invite representatives of other departments and agencies to participate in its activities.

(d) The Board shall meet at the call of the Chairman to assist, coordinate, and advise concerning the activities of the United States Sinai Support Mission.

SEC. 5. The Secretary of State shall, pursuant to the provisions of Executive Order No. 10973, as amended, including Part V thereof [set out as a note under section 2381 of this title], and this order, provide from funds made available to the President the funds necessary for the activities of the United States Sinai Support Mission.

SEC. 6. All activities now being undertaken by the Secretary of State to implement the "United States Proposal for the Early Warning System in Sinai" shall be continued until such time as the Mission has become operational and the Director requests the transfer of those activities to the Mission. The Secretary of State may exercise any of the authority or responsibility vested in the Director, by this order, in order to continue the performance of activities related to the Early Warning System until transferred to the Director. All such activities undertaken by the Secretary of State shall be deemed to have been taken by the Director.

GERALD R. FORD.

§ 2442. Allocations of funds.

(a) Military assistance.

Of the funds appropriated to carry out part II of subchapter II of this chapter during the fiscal year 1975, not to exceed $100,000,000 may be made available for military assistance in the Middle East.

(b) Security supporting assistance.

Of the funds appropriated to carry out part IV of subchapter II of this chapter during the fiscal year 1975, not to exceed $652,000,000 may be made available for security supporting assistance in the Middle East.

(c) Foreign military sales credits.

Of the aggregate ceiling on credits and guaranties established by section 2771(b) of this title during the fiscal year 1975, not to exceed $330,000,000 shall be available for countries in the Middle East. (Pub. L. 87–195, pt. VI, § 902, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812.)

§ 2443. Special requirements fund.

(a) Authorization of appropriations; Presidential use of funds.

There are authorized to be appropriated to the President for the fiscal year 1975 not to exceed $100,000,000 to furnish assistance under subchapter I of this chapter to meet special requirements arising from time to time in carrying out the purposes of this subchapter, in addition to funds otherwise available for such purposes. The funds authorized to be appropriated by this section shall be available for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance. Such funds are authorized to remain available until expended.

(b) Presidential report to Speaker of House and Committees of Senate.

The President may only obligate or expend, for each foreign country or international organizations,[1] funds authorized under this section—

(1) after he reports to the Speaker of House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate concerning (A) the name of such foreign country or international organizations, (B) the amount of such funds to be made available to such country or organization, and (C) the purpose for which such funds are to be made available to such country or organization; and

(2) unless the Congress, within thirty calendar days after receiving any report under paragraph (1), adopts a concurrent resolution stating in substance that it does not favor the provisions of the report provided by clauses (A), (B), and (C) of paragraph (1).

(c) Federal contribution towards deficit for relief of Palestine Refugees in Middle East dependent upon fair share contribution of other countries.

Of the amount authorized under subsection (a) of this section, not less than $6,000,000 shall constitute a contribution by the United States toward the settlement of the deficit of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East, if the President determines that a reasonable number of other countries will contribute a fair share toward the settlement of such deficit within a reasonable period of time after December 30, 1974. In determining such fair share, the President shall take into consideration the economic position of each such country. Such $6,000,000 shall be in addition to any other contribution to such Agency by the United States pursuant to any other provision of law. (Pub. L. 87–195, pt. VI, § 903, as added Pub. L. 93–559, § 42, Dec. 30, 1974, 88 Stat. 1812.)

[1] So in original.

Chapter 33.—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2314, 2502 of this title.

§ 2454. Administration.

EX. ORD. NO. 11770. DELEGATION OF FUNCTIONS RESPECTING INTERNATIONAL SYMPOSIUM ON GEOTHERMAL ENERGY—1975

Ex. Ord. No. 11770, Feb. 21, 1974, 39 F.R. 7127, provided:

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454; hereinafter referred to as the act) [this section], and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior is authorized, with respect to the International Symposium on Geothermal Energy to be held in San Francisco, California, in May 1975, to perform the functions conferred by section 102(b) (5), (7), and (8) of the act [section 2452(b) (5), (7) and (8) of this title].

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the International Symposium on Geothermal Energy.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

RICHARD NIXON.

§ 2456. Board of Foreign Scholarships.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 34.—THE PEACE CORPS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 297b, 405, 409, 410 of this title; title 20 sections 1078, 1087dd; title 31 section 241; title 42 sections 294a, 5041, 5044, 5045.

§ 2501. Congressional declaration of purpose.

EXECUTIVE ORDER NO. 11041

Ex. Ord. No. 11041, Aug. 7, 1962, 27 F.R. 7859, as amended by Ex. Ord. No. 11250, Oct. 10, 1965, 30 F.R. 13003, which provided for the continuance and administration of the Peace Corps in the Department of State, was superseded by Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under this section.

EX. ORD. NO. 11603. CONTINUANCE AND ADMINISTRATION OF PEACE CORPS IN AGENCY OF EXECUTIVE BRANCH KNOWN AS "ACTION"

Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, provided:

By virtue of the authority vested in me by the Peace Corps Act (75 Stat. 612), as amended; 22 U.S.C. 2501–2523) [this chapter] and section 301 of Title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

PART I—PEACE CORPS—DELEGATION OF FUNCTIONS AND ALLOCATION OF FUNDS

SECTION 101. *Authority.* The Peace Corps, established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789), and continued in existence in that Department under the Peace Corps Act (hereafter in this part referred to as the Act) [this chapter] pursuant to section 102 of Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), is hereby transferred to the agency created by Reorganization Plan No. 1 of 1971 and designated as ACTION. The Director of ACTION (hereinafter referred to as the Director) shall provide for its continuance under the Act as a component of that agency.

SEC. 102. *Delegation of functions to the Director of ACTION.* (a) Exclusive of the functions otherwise delegated or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and Reorganization Plan No. 1 of 1971.

(b) The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by section 912(3)(D) of the Internal Revenue Code of 1954 [section 912(3)(D) of Title 26], is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

(c) The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System) conferred upon the President by section 5(b) of the Act, as amended (79 Stat. 551) [section 2506 note of this title], are hereby delegated to the Director.

(d) The functions of prescribing conditions, conferred upon the President by the second sentence of section 5(e) [section 2504(e) of this title] and the concluding phrase of section 6(3) of the Act [section 2505(3) of this title] (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

SEC. 103. *Allocation and transfer of funds.* (a) All funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as he may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

SEC. 104. There is hereby delegated to the Secretary of State, with respect to laws administered by him, and to the Chairman of the Civil Service Commission, with respect to the laws administered by the Commission, the function conferred upon the President by that portion of section 5(f)(1)(B) of the Act [section 2504(f)(1)(B) of this title] which reads "except as otherwise determined by the President" (relating to disallowance of credit for service as a volunteer in determining rights of former volunteers under the Civil Service and Foreign Service Systems).

SEC. 105. (a) Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

(b) The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

(c) Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended [section 801 et seq. of this title], pursuant to section 7 of the Act [section 2506 of this title], shall be coordinated with the Secretary of State.

PART II—RESERVED FUNCTIONS

SEC. 201. *Reservation of functions to the President.* There are hereby excluded from the delegation made by Part I of this Order the following-described powers and functions of the President:

(a) All authority conferred upon him by sections 4(b), 4(c)(2), 4(c)(3), 10(d), 11, 16(b), and 18 of the Act [section 2503 (b), (c)(2), (3), 2509(d), 2510, 2515(b), and 2517 of this title].

(b) The authority conferred upon him by section 4(a) of the Act [section 2503(a) of this title] to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred upon him by that portion of section 5(f)(1)(B) of the Act [section 2504(f)(1)(B) of this title] which reads "except as otherwise determined by the President" except as otherwise provided in section 104 of this Order.

(d) The authority conferred upon him by section 10(f) of the Act [section 2509(f) of this title] to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred upon him by section 12 of the Act [section 2511 of this title] to appoint persons to membership in the Peace Corps National Advisory Council and to determine the length of service of the members of that Council.

(f) The authority conferred upon him by section 19 of the Act [section 2511 of this title] to adopt and alter an official seal or emblem of the Peace Corps.

(g) The authority conferred upon him by the first sentence of section 22 of the Act [section 2518 of this title] to establish standards and procedures for security investigations to the extent not inconsistent with the proviso of section 303(a) of this Order.

PART III—INCIDENTAL PROVISIONS

SEC. 301. *Personnel.* Persons appointed, employed, or assigned under section 7(a) of the Act [section 2506(a) of this title] shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 [section 928 of this title] in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 302. *Determination.* Pursuant to section 10(d) of the Act [section 2509(d) of this title], it is hereby determined to be in furtherance of the purposes of the Act that

functions authorized thereby may be performed without regard to the applicable laws specified in sections 1 and 2 and with or without consideration as specified in section 3 of Executive Order No. 11223 of May 12, 1965 [set out as a note under section 2393 of this title], but, except as may be inappropriate, subject to limitations set forth in that Order.

SEC. 303. *Security requirements.* (a) Pursuant to section 22 of the Act [section 2519 of this title], the standards and procedures prescribed by Executive Order No. 10450 of April 27, 1953 [set out as a note under section 7311 of Title 5], are hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act: *Provided,* That the Director may establish such additional standards and procedures with respect to the employment or assignment to duties of Volunteers as he may deem necessary to accomplish the purposes of the Act.

(b) Nothing in section 303(a) of this Part or in Executive Order No. 10450 [set out as a note under section 7311 or Title 5], or in any other Executive Order heretofore issued shall affect the exercise of the authority conferred upon the President by section 5(1) of the Act [section 2504(1) of this title].

SEC. 304. *Definitions.* As used in this Part, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

PART IV—NATIONAL VOLUNTARY ACTION PROGRAM

SEC. 401. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by section 1 of Executive Order No. 11470 of May 26 1969 [set out as a note under section 2701 of Title 42], is hereby transferred to ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in Parts IV and V of this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

SEC. 402. In addition to the functions assigned the Peace Corps National Advisory Council by section 12 of the Peace Corps Act [section 2511 of this title], the Council shall, upon the request of the Director, advise and assist him with respect to any function assigned to him by Reorganization Plan No. 1 [set out in the Appendix to Title 5] or this Order and, to the extent permitted by law, shall perform such other duties as the Director may from time to time prescribe. In addition to such duties, the Council shall—

(a) Promote more widespread reliance and recognition of voluntary activities within the Federal Government and in State and local governments.

(b) Advise and participate in the development of new Federal initiatives for encouraging voluntary action.

PART V—DIRECTOR OF ACTION

SEC. 501. In addition to the functions vested in him by Reorganization Plan No. 1 of 1971 [set out in the Appendix to Title 5] and Parts I–IV of this Order, the Director shall—

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

SEC. 502. (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Director, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order and Reorganization Plan No. 1 of 1971 [set out in the Appendix to Title 5].

(b) The head of each Federal department or agency shall, when so requested by the Director, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Director informed of all proposed budgets, plans, and programs of his department or agency affecting the voluntary action program.

PART VI—GENERAL PROVISIONS

SEC. 601. Except as may for any reason be in appropriate—

(a) References in this Order to (1) "the Peace Corps Act" or "the Act," (2) any other act, or (3) any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in this Order, or in any other Executive Order, to this Order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(c) References in this Order to any prior Executive Order not superseded by this Order shall be deemed to include references thereto as amended from time to time.

SEC. 602. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 603. Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 604. (a) To the extent permitted by law, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director or to ACTION by this Order as the Director of the Office of Management and Budget shall determine shall be transferred to ACTION at such time or times as the latter Director shall direct.

(b) To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The authority conferred by subsections (a) and (b) of this section shall supplement, not limit, the provisions of section 103 of this Order.

SEC. 605. Executive Order Nos. 11041, 11250, and 11470 are hereby superseded.

SEC. 606. The Order shall become effective on July 1, 1971.

RICHARD NIXON.

§ 2501a. Congressional declaration of encouragement of voluntary service programs; limitations on executive activities and use of funds; compromise of national character.

* * * * *

(b)(1) * * *

* * * * *

(2) Not more than $350,000 may be used in any fiscal year to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities.

* * * * *

(As amended Pub. L. 92–352, title IV, § 402, July 13, 1972, 86 Stat. 495.)

AMENDMENTS

1972—Subsec. (b)(2). Pub. L. 92–352 substituted "$350,000" for "$300,000" and "any fiscal year" for "fiscal year 1971."

§ 2502. Presidential authorization; appropriations; transfer of appropriations; waiver of claims resulting from erroneous payment of readjustment allowances; relief from liability.

* * * * *

(b) There are authorized to be appropriated for fiscal year 1976 not to exceed $88,468,000, and for the period July 1, 1976, through September 30, 1976, not to exceed $27,887,800, to carry out the purposes of this chapter: *Provided, however,* That not to exceed $500,000 of funds made available hereunder for fiscal year 1969 shall be obligated under contracts or agreements to carry out research: *Provided further,* That no such contracts or agreements shall be executed unless the research in question relates to the basic responsibilities of the Peace Corps. Unobligated balances of funds made available hereunder are hereby authorized to be continued available for the general purposes for which appropriated and may at any time be consolidated with appropriations hereunder. None of the funds authorized to carry out the purposes of this chapter shall be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, as amended, or any similar program involving the service or training of foreign nationals in the United States.

(c) In addition to the amounts authorized for fiscal year 1976 and for the period July 1, 1976, through September 30, 1976, there are authorized to be appropriated for the Peace Corps for such year not in excess of $1,000,000 for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) The Director of ACTION shall transfer to the readjustment allowance, ACTION, account at the Treasury Department, no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this chapter in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

(e) The Director of ACTION is authorized to waive claims resulting from erroneous payments of readjustment allowances to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of Title 5, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

(f) Disbursing and certifying officers of the Peace Corps and ACTION are relieved from liability for improper or incorrect payments of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of section 82a–2 of Title 31, and of section 82c of Title 31. (As amended Pub. L. 92–135, Oct. 8, 1971, 85 Stat. 376; Pub. L. 92–352, title IV, § 401, July 13, 1972, 86 Stat. 495; Pub. L. 93–49, §1, June 25, 1973, 87 Stat. 99; Pub. L. 93–302, §§ 1, 2, June 1, 1974, 88 Stat. 191, 192; Pub. L. 94–130, §§ 1–3, Nov. 14, 1975, 89 Stat. 684.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b), is classified to section 2451 et seq. of this title.

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–130, § 1, authorized appropriation of $88,468,000 for fiscal year 1976, and $27,887,800 for period July 1, 1976, through Sept. 30, 1976, and deleted prior appropriations authorization of $82,256,000 for fiscal year 1975.

Subsec. (c). Pub. L. 94–130, § 2, authorized appropriation of $1,000,000 for fiscal year 1976, for increase in employee benefits, in addition to amounts authorized for fiscal year 1976, and for period July 1, 1976, through Sept. 30, 1976, and deleted prior appropriation authorization of $1,000,000 for fiscal year 1975, for increase in employee benefits, in addition to amounts authorized for fiscal year 1975.

Subsec. (d). Pub. L. 94–130, § 3, substituted "shall transfer" ", no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this chapter in fiscal year 1976" for "is authorized to transfer" and "from any sums appropriated to carry out the purposes of this chapter in fiscal year 1975 not to exceed $315,000".

1974—Subsec. (b). Pub. L. 93–302, § 1, substituted "There are authorized to be appropriated for fiscal year 1975 not to exceed $82,256,000 to carry out the purposes of this chapter" for "There are authorized to be appropriated to the President for the fiscal year 1974 not to exceed $77,001,000 to carry out the purposes of this chapter.

Subsecs. (c) to (f). Pub. L. 93–302, § 2, added subsecs. (c) to (f).

1973—Subsec. (b). Pub. L. 93–49 substituted "1974" for "1973" and "$77,001,000" for "$88,027,000".

1972—Subsec. (b). Pub. L. 92–352 substituted "1973" for "1972" and $88,027,000" for "$77,200,000".

1971—Subsec. (b). Pub. L. 92–135 substituted "1972" for "1971" and "$77,200,000" for "$98,800,000".

§ 2503. Director and Deputy Director; delegation of functions.

TRANSFER OF FUNCTIONS

Transfer to President of the United States of functions conferred upon Director of the Peace Corps by subsec. (c)(4) of this section, see section 2(b) of 1971 Reorg. Plan No. 1, eff. July 1, 1971, 36 F.R. 11181, 85 Stat. 819, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2504. Peace Corps volunteers.

(a) Persons eligible; terms and conditions of service; Federal employee status; political, racial, sex, religious, or color discrimination.

The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this chapter as "volunteers"). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be

exclusively those set forth in this chapter and those consistent therewith which the President may prescribe; and, except as provided in this chapter, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color.

* * * * *

(c) Readjustment allowances.

Volunteers shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President; except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of Title 5. For purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

* * * * *

(As amended Pub. L. 94–130, §§ 4, 6, Nov. 14, 1975, 89 Stat. 684.)

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in subsec. (h), is classified to section 1973cc et seq. of Title 42, The Public Health and Welfare.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–130, § 4, prohibited discrimination against any person on account of sex.

Subsec. (c). Pub. L. 94–130, § 6, substituted $125 for $75 in initial clause of first sentence.

DELEGATION OF FUNCTIONS

Functions of the President under the second sentence of subsec. (e) of this section, to prescribe conditions for the provision of health care in facilities of agencies of the United States Government, delegated to the Director of ACTION, to be exercised in consultation with the head of the United States Government agency responsible for the facility, see section 102(d) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

Functions of the President under subsec. (f)(1)(B), relating to the disallowance of credit for service as a volunteer in determining rights of former volunteers under the Civil Service and Foreign Service Systems, delegated to the Secretary of State, with respect to laws administered by him, and to the Chairman of the Civil Service Commission, with respect to the laws administered by the Commission, see section 104 of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2505, 2509, 2582 of this title; title 5 sections 8142, 8332; title 26 section 3401; title 42 sections 409, 4954.

§ 2505. Peace Corps volunteer leaders; number; applicability of chapter; benefits.

DELEGATION OF FUNCTIONS

Function of the President to prescribe conditions for the provision of health care under the concluding phrase of clause (3) of this section delegated to the Director of ACTION, to be exercised in consultation with the head of the United States agency responsible for the facility providing the health care, see section 102(d) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

§ 2506. Peace Corps employees.

TRANSFER OF WASHINGTON HEADQUARTERS PERSONNEL FROM CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENTS

Functions of the President conferred by section 5(b) of Pub. L. 89–134 to prescribe regulations and make determinations (relating to appointment of Peace Corps Employees in the Foreign Service System) delegated to the Director of ACTION, see section 102(c) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

§ 2509. Presidential powers and authorities.

* * * * *

(d) Waiver of certain Federal laws.

Whenever the President determines it to be in furtherance of the purposes of this chapter, functions authorized by this chapter may be performed without regard to such provisions of law (other than section 5 of Title 41, section 252 of Title 41, and the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

* * * * *

(As amended Pub. L. 93–49, § 2, June 25, 1973, 87 Stat. 99.)

AMENDMENTS

1973—Subsec. (d). Pub. L. 93–49 excepted from waiver of Federal laws the application of sections 5 and 252 of Title 41.

§ 2511. Repealed. Pub. L. 92–352, title IV, § 403, July 13, 1972, 86 Stat. 495.

Section, Pub. L. 87–293, title I, § 12, Sept. 22, 1961, 75 Stat. 619, established the Peace Corps National Advisory Council, and set forth its composition, functions, and terms of members.

EFFECTIVE DATE OF REPEAL

Section 403 of Pub. L. 92–352 provided in part that the repeal of this section, and the abolition of the Peace Corps National Advisory Council, shall be effective 90 days after July 13, 1972.

§ 2512. Experts and consultants.

PEACE CORPS NATIONAL ADVISORY COUNCIL

Abolition of Peace Corps National Advisory Council, see former section 2511 of this title, and notes set out thereunder.

Chapter 35.—ARMS CONTROL AND DISARMAMENT

SUBCHAPTER III.—FUNCTIONS

Sec.
2576. Arms control impact information and analysis [New].
(a) Access by Director to detailed information of Government agencies preparing legislative or budgetary proposals; nature of proposals; applicable procedures.
(b) Program assessment, analysis and recommendations by Director to National Security Council, Office of Management and Budget, and proposing agency; requests for authorization or appropriation; contents; information requested by select Congressional committees.
(c) Prohibition of courts to compel statutory performance or review adequacy of statutory performance of Government agencies or Director.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 2551. Congressional statement of purpose.

* * * * *

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

(c) The dissemination and cordination of public information concerning arms control and disarmament; and

(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(As amended Pub. L. 94–141, title I, § 144, Nov. 29, 1975, 89 Stat. 758.)

AMENDMENTS

1975—Pub. L. 94–141 substituted "It shall have the authority, under the direction of the President and the Secretary of State," for "It must be able".

CONVENTIONAL ARMS TRADE; REPORT TO CONGRESS

Pub. L. 93–559, § 51, Dec. 30, 1974, 88 Stat. 1817, provided that:

"(a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

"(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

"(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

"(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

"(1) agreeing to workable limitations on conventional arms transfers; and

"(2) establishing a mechanism through which such limitations could be effectively monitored.

"(c) The President shall transmit to the Congress not later than six months after the enactment of this Act [Dec. 30, 1974] a report setting forth the steps he has taken to carry out this section."

SUBCHAPTER II.—ORGANIZATION

§ 2562. Director of Agency; appointment; powers and duties.

The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this chapter the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this chapter. He shall be appointed by the President, by and with the advice and consent of the Senate. (As amended Pub. L. 94–141, title I, § 145, Nov. 29, 1975, 89 Stat. 758.)

AMENDMENTS

1975—Pub. L. 94–141 added "the National Security Council," following "Secretary of State" in the first sentence.

SUBCHAPTER III.—FUNCTIONS

§ 2571. Research, development and other studies.

REPORT TO CONGRESS ON THE INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS; CONTENTS; DATE OF SUBMISSION OF INTERIM AND FINAL REPORTS

Pub. L. 92–352, title III, § 302, July 13, 1972, 86 Stat. 495, provided that:

"(a) The United States Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

"(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

"(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

"(3) the effects of conventional arms transfer on international stability and regional balances of power;

"(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

"(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

"(6) the major obstacles to negotiations on conventional arms transfer;

"(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

"(8) recommendations for future United States policy on conventional arms transfer.

"(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act [July 13, 1972]; and an interim report shall be submitted to the Congress not later than six months after such date."

§ 2575. Coordination of Government agencies and resolution of policy differences.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2571, 2576 of this title.

§ 2576. Arms control impact information and analysis.

(a) Access by Director to detailed information of Government agencies preparing legislative or budgetary proposals; nature of proposals; applicable procedures.

In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of $250,000,000, or

(B) an estimated annual program cost in excess of $50,000,000, or

(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, with respect to the nature, scope, and purpose of such proposal.

(b) Program assessment, analysis and recommendations by Director to National Security Council, Office of Management and Budget, and proposing agency; requests for authorization or appropriation; contents; information requested by select Congressional committees.

(1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) of this section with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

(2) Any request to the Congress for authorization or appropriations for—

(A) any program described in subsection (a) (1) or (2) of this section, or

(B) any program described in subsection (a) (3) of this section and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

(c) Prohibition of courts to compel statutory performance or review adequacy of statutory performance of Government agencies or Director.

No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director). (Pub. L. 87–297, title III, § 36, as added Pub. L. 94–141, title I, § 146, Nov. 29, 1975, 89 Stat. 758.)

SUBCHAPTER IV.—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Director.

In the performance of his functions, the Director is authorized to—

* * * * *

Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts.

(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of Title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided,* That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further,* That such contracts may be renewed annually;

* * * * *

(As amended Pub. L. 93–332, § 1(a), July 8, 1974, 88 Stat. 289.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–332, substituted "as authorized by section 3109 of Title 5" for "as authorized by section 55a of Title 5, at rates not to exceed $100 per diem for individuals", "section 5703 of such Title" for "section 73b–2 of Title 5" and "130 days" for "one hundred days".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2566, 2584, 2585 of this title.

§ 2585. Security requirements.

(a) Establishment of security and loyalty requirements, restrictions, and safeguards; investigation of personnel; standards of clearance.

The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this chapter. Except as provided in subsection (d) of this

section, the Director shall arrange with the Civil Service Commission for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full-field investigation. The final results of all such investigations shall be turned over to the Director for final determination. Except as provided in subsection (d) of this section, no person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) Acceptance of investigation and clearance granted by other Government agencies to contractor personnel; access to confidential information.

In the case of contractors or subcontractors and their officers or employees, actual or prospective, the Director may accept, in lieu of the investigation prescribed in subsection (a) of this section, a report of investigation conducted by a Government agency, other than the Civil Service Commission or the Federal Bureau of Investigation, when it is determined by the Director that the completed investigation meets the standards established in subsection (a) of this section: *Provided*, That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report. The Director may also grant access for information classified no higher than "confidential" to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provided*, That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a) of this section, the Director may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c) of this section.

* * * * *

(d) Waiver of required investigation and determination with respect to consultants; procedure.

The investigations and determination required under subsection (a) of this section may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interest of the United States. (As amended Pub. L. 94–141, title I, § 147, Nov. 29, 1975, 89 Stat. 759.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–141, § 147(a) (1), (2), substituted "Except as provided in subsection (d) of this section, the Director shall arrange with the Civil Service Commission" for "The Director shall arrange with the Civil Service Commissioner" and "Except as provided in subsection (d) of this section, no person" for "No person".

Subsec. (b). Pub. L. 94–141, § 147(b), added provisions that notwithstanding security requirements of subsec. (a) of this section, the Director may grant access to classified information to individuals with a security clearance from Department of Defense subject only to provisions of subsec. (c) of this section.

Subsec. (d). Pub. L. 94–141, § 147(a)(3), added subsec. (d).

§ 2589. Appropriations.

(a) Authorization; limitation for certain purposes.

There are authorized to be appropriated not to exceed $10,000,000 to remain available until expended to carry out the purposes of this chapter. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, and for the three fiscal years 1966 through 1968, the sum of $30,000,000, and for the two fiscal years 1969 through 1970, the sum of $18,500,000, and for the two fiscal years 1971 and 1972, the sum of $17,500,000, and for the two fiscal years 1973 and 1974, the sum of $22,000,000, and for the fiscal year 1975, the sum of $10,100,000, and for fiscal years 1976 and 1977 the sum of $23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs), to remain available until expended, to carry out the purposes of this chapter. Notwithstanding any other provision of this chapter, not more than $7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this chapter.

* * * * *

(d) Repealed. Pub. L. 94–141, title I, § 148, Nov. 29, 1975, 89 Stat. 760.

(As amended Pub. L. 92–352, title III, § 301, July 13, 1972, 86 Stat. 494; Pub. L. 93–332, § 1(b), July 8, 1974, 88 Stat. 289; Pub. L. 94–141, title I, §§ 141, 148, Nov. 29, 1975, 89 Stat. 757, 760.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–141, § 141, authorized appropriations of $23,440,000 for fiscal years 1976 and 1977, and necessary additional amounts for increases in salary, etc.

Subsec. (d). Pub. L. 94–141, § 148, struck out subsec. (d) relating to prohibition of using appropriated funds for the dissemination of propaganda within the United States concerning the work of the United States Arms Control and Disarmament Agency.

1974—Subsec. (a). Pub. L. 93–332 authorized appropriation of $10,100,000 for fiscal year 1975.

1972—Subsec. (a). Pub. L. 92–352 authorized $22,000,000 to be appropriated for the fiscal years 1973 and 1974.

§ 2590. Reports to Congress; contents.

The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency. Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect. (As amended Pub. L. 94–141, title I, § 149, Nov. 29, 1975, 89 Stat. 760.)

AMENDMENTS

1975—Pub. L. 94–141 added provisions setting forth the contents of report Director is required to submit to President.

Chapter 36.—MIGRATION AND REFUGEE ASSISTANCE

§ 2601. United States membership in the Intergovernmental Committee for European Migration; appropriations; United States Emergency Refugee and Migration Assistance Fund; establishment; information to Congressional committees; continued availability of certain funds.

* * * * *

(c)(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $25,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

* * * * *

(As amended Pub. L. 94–141, title V, § 501(a), Nov. 29, 1975, 89 Stat. 771.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–141 designated existing provision as par. (1), and, as so designated, substituted provisions authorizing the President to furnish assistance on such terms and conditions as he determines, for provisions authorizing President to transfer not more than $10,000,000 in any fiscal year of the funds made available under the Foreign Assistance Act of 1961 for the purposes of this chapter, and added pars. (2) and (3).

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE

Pub. L. 94–23, May 23, 1975, 89 Stat. 87, provided:

"That this Act may be cited as 'The Indochina Migration and Refugee Assistance Act of 1975'.

"SEC. 2. (a) Subject to the provisions of subsection (b) there are hereby authorized to be appropriated, in addition to amounts otherwise available for such purposes, $455,000,000 for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962 (76 Stat. 121), as amended [this chapter], with respect to aliens who have fled from Cambodia or Vietnam, such sums to remain available in accordance with the provisions of subsection (b) of this section.

"(b) None of the funds authorized to be appropriated by this Act shall be available for the performance of functions after June 30, 1976, other than for carrying out the provisions of clauses (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962, as amended [subsec. (b)(3), (4), (5) and (6) of this section]. None of such funds shall be available for obligation for any purpose after September 30, 1977.

"SEC. 3. In carrying out functions utilizing the funds made available under this Act, the term 'refugee' as defined in section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, as amended [subsec. (b)(3) of this section], shall be deemed to include aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia or Vietnam; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion; and (C) are in urgent need of assistance for the essentials of life.

"SEC. 4. (a) The President shall consult with and keep the Committees on the Judiciary, Appropriations, and International Relations of the House of Representatives and the Committees on Foreign Relations, Appropriations and Judiciary of the Senate fully and currently informed of the use of funds and the exercise of functions authorized in this Act.

"(b) Not more than thirty days after the date of enactment of this Act [May 23, 1975], the President shall transmit to such Committees a report describing fully and completely the status of refugees from Cambodia and South Vietnam. Such report shall set forth, in addition—

"(1) a plan for the resettlement of those refugees remaining in receiving or staging centers;

"(2) the number of refugees who have indicated an interest in returning to their homeland or being resettled in a third country, together with (A) a description of the plan for their return or resettlement and the steps taken to carry out such return or resettlement, and (B) any initiatives that have been made with respect to the Office of the High Commissioner for Refugees of the United Nations; and

"(3) a full and complete description of the steps the President has taken to retrieve and deposit in the Treasury as miscellaneous receipts all amounts previously authorized and appropriated for assistance to South Vietnam and Cambodia but not expended for such purpose, exclusive of the $98,000,000 of Indochina Postwar Reconstruction funds allocated to the Department of State for movement and maintenance of refugees prior to the date of enactment of this Act [May 23, 1975].

"(c) Supplementary reports setting forth recent information with respect to each of the items referred to in this section shall be transmitted not more than ninety days after the date of transmittal of the report referred to in subsection (b) of this section and not later than the end of each ninety-day period thereafter. Such reports shall continue until September 30, 1977, and a final report shall be submitted no later than December 31, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 238.

Chapter 38.—DEPARTMENT OF STATE

Sec.
2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau [New].
2672a. Alternate United States Commissioners for international fisheries commissions [New].
2672b. Same; compensation; travel expenses and other allowances [New].
2679a. Death guaranties for certain Foreign Service personnel [New].
(a) Amount of gratuity.
(b) Payment dependent upon survivor's election of monthly compensation.
(c) Survivors entitled to payment.
(d) Definitions.
2680a. Authority and responsibility of ambassadors [New].
2685. Reimbursement for detailed State Department personnel [New].
2686. Review of world-wide supply, demand, and price of basic raw and processed materials [New].
2687. Use of appropriated funds for unusual expenses of United States Representative to Organization of American States [New].
2688. Ambassadors; criteria regarding selection and confirmation [New].

§ 2652. Deputy Secretary of State; Under Secretary of State for Political Affairs; Under Secretary of State for Economic Affairs; Deputy Under Secretary of State; Assistant Secretaries of State.

There shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State. (As amended July 13, 1972, Pub. L. 92–352, title I, § 103(a)(1), 86 Stat. 490.)

AMENDMENTS

1972—Pub. L. 92–352 substituted "a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State" for "an Under Secretary of State, two Deputy Under Secretaries of State".

EFFECTIVE DATE OF 1972 AMENDMENT

Section 103(c) of Pub. L. 92–352 provided that: "The provisions of subsection (a) of this section [amending this section and section 2653 of this title] are effective July 1, 1972."

TRANSFER OF DUTIES OF UNDER SECRETARY OF STATE TO DEPUTY SECRETARY OF STATE; ASSUMPTION OF DUTIES OF DEPUTY SECRETARY OF STATE BY UNDER SECRETARY OF STATE ON JULY 13, 1972

Section 103(b) of Pub. L. 92–352 provided that: "The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act [July 13, 1972], the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section."

ADDITIONAL ASSISTANT SECRETARY

Assistant Secretary of State to head Bureau of Oceans and International Environmental and Scientific Affairs in Department of State, appointment of as addition to number of positions provided for in this section, see section 2655a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2653, 2655a of this title.

§ 2653. Appointment and rank of officers.

* * * * * *

(b) Repealed. Pub. L. 92–352, title I, § 103(a)(2), July 13, 1972, 86 Stat. 490.

(As amended July 13, 1972, Pub. L. 92–352, title I, § 103(a)(2), 86 Stat. 490.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92–352 struck out subsec. (b) which established in the Department of State an office which shall be entitled as designated by the President, either Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs. See section 2652 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–352 effective July 1, 1972, see section 103(c) of Pub. L. 92–352, set out as a note under section 2652 of this title.

§ 2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau.

There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under section 2652 of this title, there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs. (Pub. L. 93–126, § 9(a), formerly § 9, Oct. 18, 1973, 87 Stat. 453, renumbered Pub. L. 93–312, § 9, June 8, 1974, 88 Stat. 238.)

§ 2656. Management of foreign affairs.

EMPLOYEE-MANAGEMENT RELATIONS IN THE FOREIGN SERVICE

For functions of the Secretary of State concerning employee-management relations in the Foreign Service, see Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, set out as a note under section 801 of this title.

§ 2666. Security officers; carrying of firearms; promulgation and submission of regulations.

Under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect. (As amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 406, 89 Stat. 770.)

AMENDMENTS

1975—Pub. L. 94–141 added provisions extending protection to members of immediate families of official representatives of the United States both within the United States and abroad, and requiring that the Secretary submit new regulations to Congress twenty days prior to date on which they take effect.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2667 of this title.

§ 2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgment of services of foreign vessels and aircraft; rentals and leases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 816 of this title.

§ 2672a. Alternate United States Commissioners for international fisheries commissions.

In order to insure appropriate representation at meetings of international fisheries commissions, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the Great Lakes Fishery Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this section. (Pub. L. 92–471, title II, § 201, Oct. 9, 1972, 86 Stat. 787.)

§ 2672b. Same; compensation; travel expenses and other allowances.

Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rate authorized by section 5703 of Title 5 when engaged in the performance of their duties. (Pub. L. 92–471, title II, § 202, Oct. 9, 1972, 86 Stat. 787.)

§ 2673. International Civil Aviation Organization; availability of funds for participation.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:

1975—Pub. L. 94–121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

1974—Pub. L. 93–433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

1973—Pub. L. 93–162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

1972—Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

1971—Pub. L. 92–77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

§ 2679. Maximum rates of per diem in lieu of subsistence payable to foreign participants in exchange of persons program or in program of furnishing technical information and assistance.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by Section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

DELEGATION OF FUNCTIONS

Authority of the Secretary of State under this section to prescribe certain maximum rates of per diem in lieu of subsistence (or of similar allowances therefor), without the approval, ratification, or other action of the President, delegated to the Secretary of State, see section 4 of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2508 of this title.

§ 2679a. Death guaranties for certain Foreign Service personnel.

(a) Amount of gratuity.

Subject to the provisions of this section and under such regulations as the Secretary of State may prescribe, the Secretary is authorized to provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the employing agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(b) Payment dependent upon survivor's election of monthly compensation.

A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) of this section is entitled to elect monthly compensation under section 8133 of Title 5, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

(c) Survivors entitled to payment.

A death gratuity payment under this section shall be made as follows:

(1) First, to the widow or widower.

(2) Second, to the child, or children in equal shares, if there is no widow or widower.

(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

(d) Definitions.

As used in this section—

(1) the term "Foreign Service employee" means any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;

(2) each of the terms "widow", "widower", "child", and "parent" shall have the same meaning given each such term by section 8101 of Title 5; and

(3) the term "United States" means the several States and the District of Columbia.

(Aug. 1, 1956, ch. 841, § 14, as added Oct. 26, 1974, Pub. L. 93–375, § 10(a)–(d), 88 Stat. 1441, and amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 407(a), 89 Stat. 771.)

PRIOR PROVISIONS

A prior section 14 of act Aug. 1, 1956, which was classified to section 170s of former Title 5, Executive Departments and Government Organizations and Employees, was repealed by Pub. L. 86–707, title V, § 511(a)(2), Sept. 6, 1960, 74 Stat. 800, and is now covered by section 5922(b) of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Subsec. (d)(1). Pub. L. 94–141 limited the definition of the term "Foreign Service employee" to any national of the United States and extended the term to include consular agents and representatives of the United States to an international organization or commission.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 401 (b) of Pub. L. 94–141 provided that: "The amendment made by subsection (a) [amending subsec. (d)(1) of this section] shall apply with respect to deaths occurring on or after January 1, 1973."

EFFECTIVE DATE

Section 10(e) of Pub. L. 93–475 provided that: "The provisions of this section [enacting this section] shall apply with respect to deaths occurring on and after January 1, 1973."

§ 2680. Appropriations for State Department; information to congressional committees.

(a)(1) Notwithstanding any provision of law enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility. (As amended Feb. 7, 1972, Pub. L. 92–226, pt. IV, § 407(b), 86 Stat. 35; July 13, 1972, Pub. L. 92–352, title I, § 102, 86 Stat. 490; Oct. 26, 1974, Pub. L. 93–475, § 11, 88 Stat. 1442.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–475 incorporated existing provisions into pars. (1) preceding subpar. (A), and par. 3(B), added pars. (1)(A), (B), (2), and (3)(A), and substituted "enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972" of ", no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.", in par. (1) preceding subpar. (A), and "section" for "subsection" in par. (3).

1972—Subsec. (a). Pub. L. 92–352 added provisions that this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

Pub. L. 92–226 substituted provisions constituting subsecs. (a) and (b) and prohibiting any State Department appropriation on and after July 1, 1972, without a prior congressional legislative authorization, and requiring the State Department and Federal agencies to furnish information to congressional committees for former provisions constituting the entire section and authorizing and making appropriations available for the State Department.

SHORT TITLE

Section 1 of Pub. L. 92–352 provided: "That this Act [which enacted sections 1474, 1475, 2291a, and 2821 to 2826 of this title and section 194a of Title 2, amended this section and sections 901, 1461, 1476, 2291, 2501a, 2502, 2589, 2652, and 2653 of this title, sections 5313, 5314, 5315, and 8331 of Title 5, and section 241 of Title 31, repealed section 2511 of this title, and enacted provisions set out as notes under sections 2511, 2571, and 2652 of this title, section 8331 of Title 5, and section 241 of Title 31] may be cited as the 'Foreign Relations Authorization Act of 1972'."

CONGRESSIONAL PURPOSE RESPECTING LAWS RELATING TO DEPARTMENT OF STATE AND UNITED STATES INFORMATION AGENCY, FOREIGN RELATIONS; AND AUTHORIZATION OF APPROPRIATIONS

Section 407(a) of Pub. L. 92–226 provided that:

"It is the purpose of this section [sections 1476 and 2684 of this title] to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970 [see Short Title notes under section 72a of Title 2], with respect to—

"(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

"(2) providing periodic authorizations of appropriations for that Department and Agency."

§ 2680a. Authority and responsibility of ambassadors.

Under the direction of the President—

(1) the United States Ambassador to a foreign country shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, except for personnel under the command of a United States area military commander;

(2) the Ambassador shall keep himself fully and currently informed with respect to all activities and operations of the United States Government within that country, and shall insure that all Government officers and employees in that country, except for personnel under the command of a United States area military commander, comply fully with his directives; and

(3) any department or agency having officers or employees in a country shall keep the United States Ambassador to that country fully and currently informed with respect to all activities and operations of its officers and employees in that country, and shall insure that all of its officers and employees, except for personnel under the command of a United States area military commander, comply fully with all applicable directives of the Ambassador.

(Aug. 1, 1956, ch. 841, § 16, as added Oct. 26, 1974, Pub. L. 93–475, § 12, 88 Stat. 1442.)

§ 2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund.

There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitation, for expenses (including those authorized by the Foreign Service Act of 1946, as amended) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central supply services for supplies and equipment (including repairs), and (3) such other administrative services as the Secretary, with the approval of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund. (As amended Feb. 7, 1972, Pub. L. 92–226, pt. IV, § 407(c), 86 Stat. 35.)

AMENDMENTS

1972—Pub. L. 92–226 struck out last sentence authorizing appropriation of amounts necessary to provide capital for the fund. See section 2680 of this title.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

§ 2685. Reimbursement for detailed State Department personnel.

(a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed ninety days, no reimbursement shall be required to be made under this section.

(b) For purposes of this section, "Executive agency" has the same meaning given that term by section 105 of Title 5. (Pub. L. 93–126, § 11, Oct. 18, 1973, 87 Stat. 453.)

§ 2686. Review of world-wide supply, demand, and price of basic raw and processed materials.

It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the worlds, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to—

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

(Pub. L. 93–475, § 14, Oct. 26, 1974, 88 Stat. 1443.)

§ 2687. Use of appropriated funds for unusual expenses of United States Representative to Organization of American States.

The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of Title 5 incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States. (Aug. 1, 1956, ch. 841, § 17, as added Nov. 29, 1975, Pub. L. 94–141, title I, § 101(c), 89 Stat. 756.)

SHORT TITLE

Section 1 of Pub. L. 94–141 provided: "That this Act [which enacted this section and sections 276a–1, 1037 to 1037c, 2576, and 2688 of this title, amended sections 276, 276c, 295, 966, 991, 995, 1934, 2321d, 2551, 2562, 2585, 2589, 2590, 2601, 2666, 2679a, and 2791 of this title and section 5924 of Title 5 enacted provisions set out as notes under sections 1037a and 2679a of this title, amended provision set out as a note under section 287e, and repealed provision set out as a note under section 966 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 1976'."

§ 2688. Ambassadors; criteria regarding selection and confirmation.

It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns. (Aug. 1, 1956, ch. 841, § 18, as added Nov. 29, 1975, Pub. L. 94–141, title I, § 104, 89 Stat. 757.)

Chapter 39.—FOREIGN MILITARY SALES

SUBCHAPTER IV.—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

2794. Definitions [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2291, 2304, 2321f, 2370, 2394, 2414, 2418, 2423 of this title.

SUBCHAPTER I.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

§ 2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; reduction in furnishing of defense articles and defense services to foreign countries.

* * * * *

In order to reduce the role of the United States Government in the furnishing of defense articles and defense services to foreign countries and international organizations, and return such transactions to commercial channels, the United States Government shall reduce its sales, credit sales, and guaranties of such articles and defense services as soon as, and to the maximum extent, practicable. (As amended Pub. L. 93–189, § 25(1), Dec. 17, 1973, 87 Stat. 729.)

AMENDMENTS

1973—Pub. L. 93–189 added last paragraph relating to a reduction by the United States in the furnishing of defense articles and defense services to foreign countries.

EX. ORD. NO. 11501. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11501, Dec. 22, 1969, 34 F.R. 20169, as amended by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The following functions conferred upon the President by the Foreign Military Sales Act (P.L. 90–629) [this chapter], hereinafter referred to as the "Act", are hereby delegated as follows:

* * * * *

(1) That under section 42(c) of the Act [section 2791(c) of this title] to the Secretary of Defense.

* * * * *

§ 2753. Eligibility for defense services or defense articles.

(a) Prerequisites for consent by President; report to Congress.

No defense article or defense service shall be sold by the United States Government under this chapter to any country or international organization unless—

* * * * *

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article so furnished to it to anyone not an officer, employee, or agent of that country or international organization and not to use or permit the use of such article for purposes other than those for which furnished unless the consent of the President has first been obtained:

(3) the country or international organization shall have agreed that it will maintain the security of such article and will provide substantially the same degree of security protection afforded to such article by the United States Government; and

(4) the country or international organization is otherwise eligible to purchase defense articles or defense services.

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under paragraph (2) to the transfer unless the United States itself would transfer the defense article under consideration to that country, and prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred. In addition, the President shall not give his consent under paragraph (2) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President. The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

(b) Seizing or fining American fishing vessels; prohibition on sales, etc., to countries engaging in; waiver by President.

No sales, credits, or guaranties shall be made or extended under this chapter to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party.

(c) Further sales, etc., to countries in violation of this chapter or agreements pursuant to this chapter.

Except as otherwise provided in subsection (d) of this section, any foreign country which hereafter uses defense articles or defense services furnished such country under this chapter, in substantial violation of any provision of this chapter or any agreement entered into under this chapter, shall be immediately ineligible for further cash sales, credits, or guarantees.

(d) Resumption of eligibility.

A country shall remain ineligible in accordance with subsection (c) of this section until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not recur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned. (As amended Pub. L. 93–189, § 25(2), Dec. 17, 1973, 87 Stat. 729; Pub. L. 93–559, § 45(a)(1), Dec. 30, 1974, 88 Stat. 1813.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–559 deleted first sentence provision respecting furnishing of sophisticated weapons to countries in violation of agreements pursuant to subsec. (a)(2) of this section, section 2314(a) of this title, or other similar provisions and substituted "in accordance with subsection (c) of this section" for "in accordance with this subsection".

1973—Subsec. (a). Pub. L. 93–189, § 25(2)(A)–(C), in par. (2) added the requirement not to use or permit the use of such articles for purposes other than those for which furnished, redesignated former par. (3) as (4), added a new par. (3), and following par. (4), as so redesignated, added provisions relating to Presidential consideration of requests prior to consent under par. (2).

Subsecs. (c), (d). Pub. L. 93–189, § 25(2)(D), added subsecs. (c) and (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2314a, 2370 of this title.

SUBCHAPTER II.—FOREIGN MILITARY SALES AUTHORIZATION

§ 2761. Cash sales from stock.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2791 of this title.

§ 2762. Procurement for cash sales; necessity for dependable undertaking by foreign country or international organization; availability of appropriations for payments.

(a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due.

(b) The President may, when he determines it to be in the national interest, accept a dependable

undertaking of a foreign country or international organization with respect to any such sale, to make full payment within 120 days after delivery of the defense articles or the rendering of the defense services. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold. (As amended Pub. L. 93–189, § 25(3), Dec. 17, 1973, 87 Stat. 730.)

AMENDMENTS

1973—Pub. L. 93–189 designated material preceding first proviso as subsec. (a), as so designated, added "Except as otherwise provided in this section," preceding "the President", designated first proviso as subsec. (b), and, as so designated, added reference to acceptance of a dependable undertaking of a foreign country or international organization, and struck out further provisions setting forth Presidential powers with respect to sales agreements with and payments by purchasing countries or international organizations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2775, 2777, 2791 of this title.

§ 2763. Credit sales.

The President is authorized to finance procurements of defense articles and defense services by friendly foreign countries and international organizations on terms requiring the payment to the United States Government in United States dollars of—

(1) the value of such articles or services within a period not to exceed ten years after the delivery of such articles or the rendering of such services; and

(2) interest on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that the United States Government pays on outstanding marketable obligations of comparable maturity, unless the President certifies to Congress that the national interest requires a lesser rate of interest and states in the certification the lesser rate so required and the justification therefor.

(As amended Pub. L. 93–559, § 45(a)(2), Dec. 30, 1974, 88 Stat. 1813.)

AMENDMENTS

1974—Pub. L. 93–559 incorporated existing provisions in cl. (1) and added cl. (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2764, 2771, 2773–2776, 2777, 2791 of this title.

§ 2764. Guaranties.

(a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies other than the Federal Financing Bank) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies other than the Federal Financing Bank) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 2763 of this title, and may guarantee payment thereof.

(c) Funds made available to carry out this chapter shall be obligated in an amount equal to 10 per centum of the principal amount of contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 10 per centum of the principal amount of contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States. (As amended Pub. L. 93–189, § 25(4), Dec. 17, 1973, 87 Stat. 730; Pub. L. 93–559, § 45(a)(3), (4), Dec. 30, 1974, 88 Stat. 1814.)

AMENDMENTS

1974—Subsecs. (a), (b). Pub. L. 93–559, § 45(a)(3), inserted in parenthetical text the phrase "other than the Federal Financing Bank".

Subsec. (c). Pub. L. 93–559, § 45(a)(4), substituted "10" for "25" in two instances.

1973—Subsec. (c). Pub. L. 93–189 substituted "to carry out this chapter" for "pursuant to section 2771 of this title" and added "principal amount of" preceding "contractual liability" wherever appearing therein.

EFFECTIVE DATE OF 1974 AMENDMENT; ADJUSTMENT OF OBLIGATIONS CHARGED AGAINST APPROPRIATIONS; CREDIT FOR FISCAL YEAR 1975 APPROPRIATIONS

Section 45(b) of Pub. L. 93–559 provided that: "The amendment made by paragraph (4) of subsection (a) [to subsec. (c) of this section] shall take effect on July 1, 1974. Obligations initially charged against appropriations made available for purposes authorized by section 31(a) of the Foreign Military Sales Act [section 2771(a) of this title] after June 30, 1974, and prior to the enactment of this section [Dec. 30, 1974] in an amount equal to 25 per centum of the principal amount of contractual liability related to guaranties issued pursuant to section 24(a) of that Act [subsec. (a) of this section] shall be adjusted to reflect such amendment with proper credit to the appropriations made available in the fiscal year 1975 to carry out that Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2771, 2773–2776, 2777, 2791 of this title.

SUBCHAPTER III.—MILITARY EXPORT CONTROLS

§ 2771. Authorization and aggregate ceiling on foreign military sales credits; funds for financing procurement of defense articles and defense services by Israel; release of Israel from contractual liability to repay for defense articles and defense services so financed.

(a) There is hereby authorized to be appropriated to the President to carry out this chapter not to exceed $405,000,000 for the fiscal year 1975. Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this chapter.

(b) The aggregate total of credits, or participations in credits, extended pursuant to this chapter and of the principal amount of loans guaranteed pursuant to section 2764(a) of this title shall not exceed $872,500,000 for the fiscal year 1975, of which amount not less than $300,000,000 shall be available to Israel only. Of the funds made available under subsection (a) of this section, $100,000,000 shall first be obligated with respect to financing the procurement of defense articles and defense services by Israel under section 2763 of this title, except that Israel shall be released from contractual liability to repay the United States Government for the defense articles and defense services so financed. (As amended Pub. L. 92–226, pt. IV, § 401 (a), (b), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189, § 25 (5), (6), Dec. 17, 1973, 87 Stat. 730; Pub. L. 93–559, § 45(a) (6), (7), Dec. 30, 1974, 88 Stat. 1815.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559, § 45(a)(6), substituted "$405,000,000 for the fiscal year 1975" for "$325,000,000 for the fiscal year 1974".

Subsec. (b). Pub. L. 93–559, § 45(a)(7), substituted "$872,500,000 for the fiscal year 1975" for "$730,000,000 for the fiscal year 1974" and provided for obligation of $100,000,000 for financing procurement of defense articles and defense services by Israel and for release of Israel from contractual liability to repay the United States Government for the defense articles and defense services so financed.

1973—Subsec. (a). Pub. L. 93–189, § 25(5), substituted provision authorizing appropriation of not more than $325,000,000 for the fiscal year 1974, for provision authorizing appropriation of not more than $400,000,000 for the fiscal year 1972.

Subsec. (b). Pub. L. 93–189, § 25(6), substituted provisions setting out the foreign military sales credit ceiling of $730,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be made available to Israel, for provisions setting out such ceiling of $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel, and such amount to exclude credits covered by guaranties issued under section 2764(b) of this title.

1972—Subsec. (a). Pub. L. 92–226, § 401(a), substituted provision authorizing appropriation of not more than $400,000,000 for the fiscal year 1972, for provisions authorizing appropriation of not more than $250,000,000 for each of the fiscal years 1970 and 1971.

Subsec. (b). Pub. L. 92–226, § 401(b), substituted provisions setting out the foreign military sales credit ceiling of $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel, for provisions setting out such ceiling of $ 340,000,000 for the fiscal years 1970 and 1971.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2442 of this title.

§ 2773. Regional ceilings on foreign military sales.

(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of credits, or participations in credits, financed pursuant to section 2763 of this title, of the principal amount of loans guaranteed pursuant to section 2764(a) of this title shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

(b) The President may waive the limitations of this section when he determines it to be important to the security of the United States and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. (As amended Pub. L. 92–226, pt. IV, § 401 (c), (d), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189, § 25 (7)–(9), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93–559, § 45(a) (8), Dec. 30, 1974, 88 Stat. 1815.)

REFERENCES IN TEXT

Foreign Assistance Act of 1961, referred to in the text, is classified to chapter 32 (section 2151 et seq.) of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–559, § 45(a)(A), (B), repealed former subsec. (a) provisions prescribing a ceiling of $150,000,000 in each fiscal year on the total amount of military assistance, credits, participations in credits, guaranteed loans, and loans and sales under section 7307 of Title 10, for Latin American countries, and redesignated former subsec. (b) as (a), respectively.

Subsec. (b). Pub. L. 93–559, § 45(a)(8)(B), (C), redesignated former subsec. (b) as (a) and added subsec. (b), respectively.

1973—Subsec. (a). Pub. L. 93–189, § 25(7), struck out reference to cash sales pursuant to sections 2761 and 2762 of this title reference to exclusion of credits covered by guaranties issued under section 2764(b) of this title, and reference to the face amount of contracts of guaranty issued under section 2764(a) and (b) of this title, inserted reference to the principal amount of loans guaranteed under section 2764(a) of this title, and substituted "$150,000,000" for "$100,000,000".

Subsec. (b). Pub. L. 93–189, § 25(8), struck out reference to cash sales pursuant to sections 2761 and 2762 of this title, reference to exclusion of credits covered by guaranties issued under section 2764(b) of this title, and reference to the face amount of contracts of guaranty issued under section 2764(a) and (b) of this title, and inserted reference to the principal amount of loans guaranteed under section 2764(a) of this title.

Subsec. (c). Pub. L. 93–189, § 25(9), struck out subsec. (c) which provided for Presidential waiver of limitations on amounts authorized under this section and set forth geographical limitations on the aggregate amounts of military assistance to be made available and percentage deviations from such ceiling amounts.

1972—Subsec. (a). Pub. L. 92–226, § 401(c), substituted "$100,000,000" for "$75,000,000".

Subsec. (c) Pub. L. 92–226, § 401(d), substituted provisions for waiver of limitations when overriding requirements of the national security of the United States justify waiver for prior provisions for such a waiver when important to the security of the United States, required a written report with reasons for findings and statement in detail of expenditures when in excess of applicable geographical limitations, and prescribed percentage limitation for exceeding aggregate of geographical ceiling limitation.

§ 2775. Foreign military sales to less developed countries.

* * * * *

(b) Repealed. Pub. L. 93–559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814.

(As amended Pub. L. 93–559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-559 repealed subsec. (b) which provided for Presidential reports to Congress respecting sales and guaranties to less developed countries.

§ 2776. Sale of defense articles or services; Presidential reports and statements to Speaker of House and chairman of Foreign Relations Committee of Senate.

(a) The President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate quarterly reports containing—

(1) a listing of all letters of offer to sell any defense articles or services under this chapter, if such offer has not been accepted or canceled;

(2) a cumulative listing of all such letters of offer to sell that have been accepted during the fiscal year in which such report is submitted;

(3) the cumulative dollar amounts, by foreign country and international organization, of credit sales under section 2763 of this title and guaranty agreements under section 2764 of this title made before the submission of such quarterly report and during the fiscal year in which such report is submitted; and

(4) projections of the cumulative dollar amounts, by foreign country and international organization, of credit sales under section 2763 of this title and guaranty agreements under section 2764 of this title to be made in the quarter of the fiscal year immediately following the quarter for which such report is submitted.

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (A) the foreign country or international organization to which the defense article or service is offered, (B) the dollar amount of the offer to sell under paragraph (1) or of the completed sale under paragraph (2), (C) a brief description of the defense article or service offered, (D) the United States armed force which is making the offer to sell, (E) the date of such offer, and (F) the date of any acceptance under paragraph (2).

(b) In the case of any letter of offer to sell any defense articles or services under this chapter for $25,000,000 or more, before issuing such letter of offer the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a statement with respect to such offer to sell containing the information specified in subparagraphs (A) through (E) in subsection (a) of this section. The letter of offer shall not be issued if the Congress, within twenty calendar days after receiving any such statement, adopts a concurrent resolution stating in effect that it objects to such proposed sale, unless the President in his statement certifies that an emergency exists which requires such sale in the national security interests of the United States.

* * * * * *

(As amended Pub. L. 93–189, § 25(10), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93–559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814.)

AMENDMENTS

1974—Subsecs. (a), (b). Pub. L. 93–559 added subsecs. (a) and (b).

1973—Pub. L. 93–189 struck out subsec. (a) which required the Secretary of State to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate semiannual reports of all exports of significant defense articles on the United States munitions list to foreign governments, etc., and subsec. (b) which provided for the inclusion in the presentation material submitted to the Congress during consideration of amendments to this chapter or Acts appropriating funds under authority of this chapter annual tables showing the dollar value of cash and credit foreign military sales orders, commitments to order, etc.

§ 2777. Fiscal provisions relating to foreign military sales credits.

* * * * *

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 2763 of this title, amounts received from the disposition of instruments evidencing indebtedness, under section 2764(b) of this title (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 2764(b) of this title, which sums are made available for such obligations) and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury. (As amended Pub. L. 93–189, § 25(11), Dec. 17, 1973, 87 Stat. 731.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–189 added provisions relating to indebtedness under section 2764(b) of this title and exclusions of portions of the sales proceeds required at the time of disposition as a reserve for payment of claims under guaranties issued under section 2764(b) of this title.

SUBCHAPTER IV.—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

§ 2791. General provisions.

(a) In carrying out this chapter, special emphasis shall be placed on procurement in the United States, but, subject to the provisions of subsection (b) of this section, consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this chapter, there shall be taken into consideration (1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, (2) the portion of the defense articles so manufactured which is of United States origin, and (3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

(b) No credit sale shall be extended under section 2763 of this title, and no guarantee shall be issued under section 2764 of this title, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the

particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c) Funds made available under this chapter may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d) (1) With respect to sales and guaranties under sections 2761, 2762, 2763, and 2764 of this title, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

(A) the determination of military end-item requirements;

(B) the procurement of military equipment in a manner which permits its integration with service programs;

(C) the supervision of the training of foreign military personnel;

(D) the movement and delivery of military end-items; and

(E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense. (As amended Pub. L. 92–226, pt. IV, § 401(e), (f), Feb. 7, 1972, 86 Stat. 33; Pub. L. 94–141, title I, § 150(b), Nov. 29, 1975, 89 Stat. 760.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–141 in cl. (3) added provision relating to coordination with the Director of the United States Arms Control and Disarmament Agency.

1972—Subsec. (a). Pub. L. 92–226, § 401(e), (f)(1), added item (3) and inserted ", subject to the provisions of subsection (b) of this section," preceding "consideration shall also be given", respectively.

Subsec. (b). Pub. L. 92–226, § 401(f)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c), (d). Pub. L. 92–226, § 401(f)(2), redesignated former subsecs. (b) and (c) as (c) and (d).

§ 2794. Definitions.

For purposes of this chapter, the term—

(1) "excess defense article" has the meaning provided by section 2403(g) of this title; and

(2) "value" means, in the case of an excess defense article, not less than the greater of—

(A) the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such article, plus the scrap value; or

(B) the market value, if ascertainable.

(Pub. L. 90–629, ch. 4, § 47, as added Pub. L. 93–189, § 25(12), Dec. 17, 1973, 87 Stat. 731.)

Chapter 41.—STUDY COMMISSION RELATING TO FOREIGN POLICY [NEW]

Sec.
2821. Congressional declaration of purpose.
2822. Commission on the organization of the Government for the Conduct of Foreign Policy.
(a) Establishment.
(b) Composition of membership.
(c) Chairman; Vice Chairman.
(d) Quorum; vacancies.
(e) Compensation; reimbursement for travel, subsistence, and other necessary expenses.
2823. Duties of Commission; report to President and Congress; termination of Commission.
2824. Powers of Commission.
2825. Appointment and compensation of personnel; procurement of servcies of experts and consultants.
2826. Authorization of appropriations.

§ 2821. Congressional declaration of purpose.

It is the purpose of this chapter to establish a study commission which will submit findings and recommendations to provide a more effective system for the formulation and implementation of the Nation's foreign policy. (Pub. L. 92–352, title VI, § 601, July 13, 1972, 86 Stat. 497.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2822 of this title.

§ 2822. Commission on the Organization of the Government for the Conduct of Foreign Policy.

(a) Establishment.

To carry out the purpose of section 2821 of this title, there is established a Commission on the Organization of the Government for the Conduct of Foreign Policy (hereafter referred to in this chapter as the "Commission").

(b) Composition of membership.

The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) Chairman; Vice Chairman.

The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Quorum; vacancies.

Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Compensation; reimbursement for travel, subsistence, and other necessary expenses.

Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee

of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. (Pub. L. 92–352, title VI, § 602, July 13, 1972, 86 Stat. 497.)

§ 2823. Duties of Commission; report to President and Congress; termination of Commission.

(a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1975, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties. The Commission shall cease to exist on the thirtieth day after the date on which it files the comprehensive report under this subsection. (Pub. L. 92–352, title VI, § 603, July 13, 1972, 86 Stat. 497, amended Pub. L. 93–126, § 4, Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–126 substituted "June 30, 1975" for "June 30, 1974".

§ 2824. Powers of Commission.

(a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 192 through 194 of Title 2 shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this chapter. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman. (Pub. L. 92–352, title VI, § 604, July 13, 1972, 86 Stat. 498.)

§ 2825. Appointment and compensation of personnel; procurement of services of experts and consultants.

(a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of Title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of Title 5, but at rates not to exceed the daily rate paid a person occupying a position at GS–18. (Pub. L. 92–352, title VI, § 605, July 13, 1972, 86 Stat. 498.)

§ 2826. Authorization of appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. (Pub. L. 92–352, title VI, § 606, July 13, 1972, 86 Stat. 499.)

Chapter 42.—INTERNATIONAL ECONOMIC POLICY [NEW]

Sec.
2841. Congressional statement of purposes.
2842. Congressional findings and policy; Council on International Economic Policy: establishment, functions.
2843. Creation of Council on International Economic Policy.
2844. Membership of Council; Chairman; presiding officer.
2845. Duties of Council.
2846. International Economic Report.
(a) Submittal to Congress; scope of report.
(b) Supplementary reports to Congress.
2847. Staff of Council.
(a) Executive Director; appointment and compensation; information to Congressional committees.
(b) Staff personnel; appointment and compensation; executive level IV and V positions.

Sec.
2847. Staff of Council—Continued
(c) Temporary and intermittent services.
(d) Detail of Federal agency personnel to Council; reimbursable basis.
2848. Expiration date.
2849. Authorization of appropriations.

§ 2841. Congressional statement of purposes.

It is the purpose of this chapter to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States. (Pub. L. 92–412, title II, § 202, Aug. 29, 1972, 86 Stat. 646.)

Short Title

Section 201 of Pub. L. 92–412 provided that: "This title [enacting this chapter] may be cited as the 'International Economic Policy Act of 1972'."

Executive Order No. 11789

Ex. Ord. No. 11789, June 25, 1974, 39 F.R. 23183, as amended by Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563, formerly set out as a note under this section, which established the President's Committee on East-West Trade Policy, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of Title 19, Customs Duties.

Ex. Ord. No. 11808. President's Economic Policy Board

Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563, as amended by Ex. Ord. No. 11865, June 16, 1975, 40 F.R. 25663, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, it is hereby ordered as follows:

Section 1. There is hereby established the President's Economic Policy Board (hereinafter referred to as the Board).

Sec. 2. The Board shall consist of the Secretary of the Treasury, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Executive Director of the Council on International Economic Policy. The Chairman of the Board of Governors of the Federal Reserve System is invited to attend meetings of the Board.

Sec. 3. The Economic Policy Board shall provide advice to the President concerning all aspects of national and international economic policy, will oversee the formulation, coordination, and implementation of all economic policy of the United States, and will serve as the focal point for economic policy decision-making. The Chairman of the Board shall act as the principal spokesman for the Executive Branch on matters of economic policy.

Sec. 4.(a) There is hereby established the Executive Committee of the Board. The Executive Committee shall consist of the Secretary of the Treasury, who shall be its Chairman, the Secretary of State, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Council on International Economic Policy, and the Assistant to the President for Economic Affairs. The Chairman of the Board of Governors of the Federal Reserve System is invited to attend meetings of the Executive Committee.

(b) The Executive Committee shall meet daily to consider matters involving responsibilities of the Board.

Sec. 5. The Assistant to the President for Economic Affairs shall be the Executive Director of the Board and of the Executive Committee, and, as such, shall be responsible for coordinating the implementation of economic policy and providing liaison with the Presidential staff and with other Governmental activities.

Sec. 6. (a) The Secretary of the Treasury shall be a member of the Council on Wage and Price Stability and be its Chairman. The Assistant to the President for Economic Affairs shall be a member of the Council and be its Deputy Chairman.

(b) The Secretary of the Treasury shall be the Chairman of the Council on International Economic Policy. The Assistant to the President for Economic Affairs shall be a member of that Council and be its Deputy Chairman.

(c) Section 1(b) of Executive Order No. 11269, as amended (prescribing the composition of the National Advisory Council on International Monetary and Financial Policies) [set out as a note under section 286b of this title], is further amended by inserting after "the Secretary of the Treasury, who shall be Chairman of the Council," the following "the Assistant to the President for Economic Affairs, who shall be Deputy Chairman of the Council,".

(d) [Revoked by Ex. Ord. No. 11846, Mar. 27. 1975, 40 F.R. 14291.]

Sec. 7. All departments and agencies shall cooperate with the Board, including the Executive Committee thereof, and shall, to the extent permitted by law, provide it with such assistance and information as the Chairman or Executive Director of the Board may request.

Gerald R. Ford.

Ex. Ord. No. 11858. Foreign Investment in the United States

Ex. Ord. No. 11858, May 7, 1975, 40 F.R. 20263, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Act of February 14, 1903, as amended (15 U.S.C. 1501 et seq.), section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) There is hereby established the Committee on Foreign Investment in the United States (hereinafter referred to as the Committee). The Committee shall be composed of a representative, whose status is not below that of an Assistant Secretary, designated by each of the following:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Commerce.
(5) The Assistant to the President for Economic Affairs.
(6) The Executive Director of the Council on International Economic Policy.

The representative of the Secretary of the Treasury shall be the chairman of the Committee. The chairman, as he deems appropriate, may invite representatives of other departments and agencies to participate from time to time in activities of the Committee.

(b) The Committee shall have primary continuing responsibility within the Executive Branch for monitoring the impact of foreign investment in the United States, both direct and portfolio, and for coordinating the implementation of United States policy on such investment. In fulfillment of this responsibility, the Committee shall:

(1) arrange for the preparation of analyses of trends and significant developments in foreign investments in the United States;

(2) provide guidance on arrangements with foreign governments for advance consultations on prospective major foreign governmental investments in the United States;

(3) review investments in the United States which, in the judgment of the Committee, might have major implications for United States national interests; and

(4) consider proposals for new legislation or regulations relating to foreign investment as may appear necessary.

(c) As the need arises, the Committee shall submit recommendations and analyses to the National Security Council and to the Economic Policy Board. It shall also arrange for the preparation and publication of periodic reports.

SEC. 2. The Secretary of Commerce, with respect to the collection and use of data on foreign investment in the United States, shall provide, in particular, for the performance of the following activities:

(a) The obtainment, consolidation, and analysis of information on foreign investment in the United States;

(b) the improvement of procedures for the collection and dissemination of information on such foreign investment;

(c) the close observation of foreign investment in the United States;

(d) the preparation of reports and analyses of trends and of significant developments in appropriate categories of such investment;

(e) the compilation of data and preparation of evaluations of significant investment transactions; and

(f) the submission to the Committee of appropriate reports, analyses, data and recommendations relating to foreign investment in the United States, including recommendations as to how information on foreign investment can be kept current.

SEC. 3. The Secretary of the Treasury is authorized, without further approval of the President, to make reasonable use of the resources of the Exchange Stabilization Fund, in accordance with section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), to pay any of the expenses directly incurred by the Secretary of Commerce in the performance of the functions and activities provided by this order. This authority shall be in effect for one year, unless revoked prior thereto.

SEC. 4. All departments and agencies are directed to provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of Commerce in carrying out their functions and activities under this order.

SEC. 5. Information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law; and such information shall be used by the Committee only for the purpose of carrying out the functions and activities prescribed by this order.

SEC. 6. Nothing in this order shall affect the data-gathering, regulatory, or enforcement authority of any existing department or agency over foreign investment, and the review of individual investments provided by this order shall not in any way supersede or prejudice any other process provided by law.

GERALD R. FORD

§ 2842. Congressional findings and policy; Council on International Economic Policy: establishment, functions.

The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States. (Pub. L. 92–412, title II, § 203, Aug. 29, 1972, 86 Stat. 646.)

REFERENCES IN TEXT

"This Act", referred to in the text, means Pub. L. 92–412, enacted Aug. 29, 1972, title II of which is classified to this chapter and title I of which amended sections 2401(3), 2402(6), 2403 (b), (e), 2404, and 2413 of Appendix to Title 50, War and National Defense, and enacted provisions set out as notes under sections 2401, 2403, and 2406 of such Appendix.

§ 2843. Creation of Council on International Economic Policy.

There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this chapter as the "Council"). (Pub. L. 92–412, title II, § 204, Aug. 29, 1972, 86 Stat. 647.)

§ 2844. Membership of Council; Chairman; presiding officer.

The Council shall be composed of the following members and such additional members as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Agriculture.
(5) The Secretary of Commerce.
(6) The Secretary of Labor.
(7) The Secretary of Transportation.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall designate the Chairman of the Council from among the members of the Council. (Pub. L. 92–412, title II, § 205, Aug. 29, 1972, 86 Stat. 647, amended Pub. L. 93–121, § 1, Oct. 4, 1973, 87 Stat. 447.)

AMENDMENTS

1973—Pub. L. 93–121 struck out cl. "(1) The President", redesignated former cls. (2)–(7) as (1)–(6), added cl. "(7) The Secretary of Transportation.", and substituted sentence reading "The President shall designate the Chairman of the Council from among the members of the Council." for "The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place."

§ 2845. Duties of Council.

Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 2846 of this title.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy.

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States-competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

(Pub. L. 92–412, title II, § 206, Aug. 29, 1972, 86 Stat. 647.)

§ 2846. International Economic Report.

(a) Submittal to Congress; scope of report.

The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment;

(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

(B) investment patterns in new plant and equipment;

(C) industrial manpower and training practices;

(D) tax incentives and other governmental financial assistance;

(E) export promotion practices;

(F) share of the export market, by area and industrial and agricultural sectors;

(G) environmental practices;

(H) antitrust practices; and

(I) long-range governmental economic planning programs, targets, and objectives;

(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and

(6) a program for carrying out the policy objectives of this chapter, together with such recommendations for legislation as he may deem necessary or desirable.

(b) Supplementary reports to Congress.

The President may transmit from time to time to the Congress reports supplementary to the Inter-

national Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this chapter. (Pub. L. 92–412, title II, § 207, Aug. 29, 1972, 86 Stat. 648, amended Pub. L. 93–121, § 4, Oct. 4, 1973, 87 Stat. 448.)

AMENDMENTS

1973—Subsec. (a)(4)–(6). Pub. L. 93–121 added pars. (4) and (5) and redesignated former par. (4) as (6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2845 of this title.

§ 2847. Staff of Council.

(a) Executive Director; appointment and compensation; information to Congressional committees.

The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (section 5313 of Title 5). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

(b) Staff personnel; appointment and compensation; executive level IV and V positions.

(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. The staff of the Council shall be appointed and compensated without regard to the provisions of law regulating the employment and compensation of persons in the Government service: *Provided*, That, except for the officers provided for in paragraph (2) and for not to exceed eight persons who may receive compensation not in excess of the rate now or hereafter provided for GS–18, no staff personnel shall receive compensation in excess of the rate now or hereafter provided for GS–15.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) Temporary and intermittent services.

With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of Title 5, at rates not to exceed the daily equivalent of the rate provided for GS–18.

(d) Detail of Federal agency personnel to Council; reimbursable basis.

Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this chapter. (Pub. L. 92–412, title II, § 208, Aug. 29, 1972, 86 Stat. 649, amended Pub. L. 94–87, § 1, Aug. 9, 1975, 89 Stat. 432.)

REFERENCES IN TEXT

GS–18 and GS–15, referred to in subsecs. (b)(1) and (c), are grades of the General Schedule set out under section 5332 of Title 5, Government Organization and Employees.

Levels IV and V of the Federal Executive Salary Schedule, referred to in subsec. (b)(2), are set out in sections 5315 and 5316 of Title 5.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94–87 exempted the appointment and compensation of the staff of the Council from federal laws relating to government service, limited executive salary level positions to eight, set the maximum compensation for others at salary level GS–15, and struck out provisions requiring the staff of the Council to be appointed subject to Title 5, and compensation paid according to classification and General Schedule pay rates.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2847a of this title.

§ 2847a. Same; Executive Director; appointment.

Notwithstanding the provisions of section 2847(a) of this title, any future Executive Director of the Council on International Economic Policy appointed after October 4, 1973, shall be appointed by the President, by and with the advice and consent of the Senate. (Pub. L. 93–121, § 5, Oct. 4, 1973, 87 Stat. 448.)

CODIFICATION

Section was not enacted as a part of the International Economic Policy Act of 1972, which is classified to this chapter.

§ 2848. Expiration date.

The provisions of this chapter shall expire on September 30, 1977, unless extended by legislation enacted by the Congress. (Pub. L. 92–412, title II, § 209, Aug. 29, 1972, 86 Stat. 649, amended Pub. L. 93–121, § 2, Oct. 4, 1973, 87 Stat. 447; Pub. L. 94–87, § 2, Aug. 9, 1975, 89 Stat. 432.)

AMENDMENTS

1975—Pub. L. 94–87 extended termination date to September 30, 1977, from June 30, 1977.

1973—Pub. L. 93–121 extended termination date to June 30, 1977, from June 30, 1973.

§ 2849. Authorization of appropriations.

For the purpose of carrying out the provisions of this chapter, there are authorized to be appropriated $1,657,000 for fiscal year ending June 30, 1976, and $1,670,000 for the fiscal year ending September 30, 1977. (Pub. L. 92–412, title II, § 210, Aug. 29, 1972, 86 Stat. 649, amended Pub. L. 93–121, § 3, Oct. 4, 1973, 87 Stat. 448; Pub. L. 93–315, June 22, 1974, 88 Stat. 239; Pub. L. 94–87, § 3, Aug. 9, 1975, 89 Stat. 432.)

AMENDMENTS

1975—Pub. L. 94–87 substituted authorization of appropriation of $1,657,000 for fiscal year ending June 30, 1976, and $1,670,000 for the fiscal year ending September 30, 1977 for authorization of appropriation of $1,800,000 for the fiscal year ending June 30, 1975.

1974—Pub. L. 93–315 substituted "is authorized" for "are authorized", "$1,800,000" for "$1,400,000", and "the fiscal year ending June 30, 1975" for fiscal year 1974".

1973—Pub. L. 93–121 substituted fiscal year "1974" for "1973".

Chapter 43.—INTERNATIONAL BROADCASTING [NEW]

Sec.
2871. Congressional findings and declaration of purpose.
2872. Board for International Broadcasting.
(a) Establishment.
(b) (1) Composition.
(2) Selection.
(3) Term of office of Presidentially appointed members.
(4) Term of office of ex officio members.
(5) Compensation.
2873. Same: functions of Board.
2874. Recordkeeping requirements for Radio Free Europe and Radio Liberty.
(a) Amounts and disposition of assistance; costs; portion of costs supplied by other sources; other records.
(b) Access to records for audit and examination.
(c) Disclosure of persons and governments making contributions.
2875. Foreign policy information supplied to Board by Secretary of State.
2876. Public support.
2877. Authorization of appropriations; authorization of grants to Radio Free Europe and Radio Liberty by Secretary of State.

§ 2871. Congressional findings and declaration of purpose.

The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (hereinafter referred to as Radio Free Europe and Radio Liberty), have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to Radio Free Europe and Radio Liberty and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

(Pub. L. 93–129, § 2, Oct. 19, 1973, 87 Stat. 457.)

SHORT TITLE

Section 1 of Pub. L. 93–129 provided: "That this Act [this chapter] may be cited as the 'Board for International Broadcasting Act of 1973'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2873 of this title.

§ 2872. Board for International Broadcasting.

(a) Establishment.

There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b)(1) Composition.

The Board shall consist of seven members, two of whom shall be ex officio members. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of Radio Free Europe and the chief operating executive of Radio Liberty shall be ex officio members of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

(2) Selection.

Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3) Term of office of Presidentially appointed members.

In appointing the initial voting members of the Board, the President shall designate three of the members appointed by him to serve for a term of three years and two members to serve for a term of two years. Thereafter, the term of office of each member of the Board so appointed shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(4) Term of office of ex officio members.

Ex officio members of the Board shall serve on the Board during their terms of service as chief operating executives of Radio Free Europe or Radio Liberty.

(5) Compensation.

Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of Title 5. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. Ex officio members of the Board shall not be entitled to any compensation under this chapter, but may be allowed travel ex-

penses as provided in the preceding sentence. (Pub. L. 93–129, § 3, Oct. 19, 1973, 87 Stat. 457.)

§ 2873. Same; functions of Board.

(a) The Board is authorized:

(1) to make grants to Radio Free Europe and to Radio Liberty in order to carry out the purposes set forth in section 2871 of this title;

(2) to review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality, effectiveness and professional integrity of their broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by Radio Free Europe and Radio Liberty and to undertake, or request that Radio Free Europe or Radio Liberty undertake, such studies as may be necessary to identify areas in which the operations of Radio Free Europe and Radio Liberty may be made more efficient and economical;

(4) to develop and apply such financial procedures, and to make such audits of Radio Free Europe and Radio Liberty as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are made;

(5) to develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) to appoint such staff personnel as may be necessary, subject to the provisions of Title 5 governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) (A) to procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of Title 5 at rates not to exceed the daily equivalent of the rate provided for GS–18; and

(B) to allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of Title 5 for persons in the Government service employed intermittently, while so employed;

(8) to report annually to the President and the Congress on or before the 30th day of October, summarizing the activities of the Board during the year ending the preceding June 30, and reviewing and evaluating the operation of Radio Free Europe and Radio Liberty during such year; and

(9) to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of Radio Free Europe and Radio Liberty. (Pub. L. 93–129, § 4, Oct. 19, 1973, 87 Stat. 458.)

References in Text

GS–18, referred to in subsec. (a)(7)(A), is a grade of the General Schedule set out under section 5332 of Title 5, Government Organization and Employees.

§ 2874. Recordkeeping requirements for Radio Free Europe and Radio Liberty.

(a) Amounts and disposition of assistance; costs; portion of costs supplied by other sources; other records.

The Board shall require that Radio Free Europe and Radio Liberty keep records which fully disclose the amount and disposition of assistance provided under this chapter, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to records for audit and examination.

The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of Radio Free Europe and Radio Liberty which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this chapter.

(c) Disclosure of persons and governments making contributions.

No grant may be made under this chapter unless the radio to which the grant is to be made agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to that radio during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made. (Pub. L. 93–129, § 5, Oct. 19, 1973, 87 Stat. 459.)

§ 2875. Foreign policy information supplied to Board by Secretary of State.

To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate. (Pub. L. 93–129, § 6, Oct. 19, 1973, 87 Stat. 459.)

§ 2876. Public support.

The Board is authorized to receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and pursuant to the Federal Property and Administrative Services Act of 1949, as amended, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of Title 26, the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of Title 26, as the case may be. (Pub. L. 93–129, § 7, Oct. 19, 1973, 87 Stat. 459.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. The provisions of the Act under which the Board is authorized to use, sell, or otherwise dispose of public contributions for the carrying out of its functions are set out in chapters 10 and 16 of Title 40, Public Buildings, Property, and Works.

§ 2877. Authorization of appropriations; authorization of grants to Radio Free Europe and Radio Liberty by Secretary of State.

(a) There are authorized to be appropriated to remain available until expended, $65,640,000 for fiscal year 1976. There are authorized to be appropriated for fiscal year 1976 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

(b) To allow for the orderly implementation of this chapter, the Secretary of State is authorized to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deems appropriate for their continued operation until a majority of the voting members of the Board have been appointed and qualified, and until funds authorized to be appropriated under this chapter are available to the Board. (Pub. L. 93–129, § 8, Oct. 19, 1973, 87 Stat. 460, amended Pub. L. 93–392, Aug. 28, 1974, 88 Stat. 781; Pub. L. 94–104, § 1, Oct. 6, 1975, 89 Stat. 508.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–104 substituted provisions authorizing appropriation of $65,640,000 for fiscal year 1976 for provisions authorizing appropriation of $49,990,000 for fiscal year 1975, of which not less than $75,000 was to be available solely to initiate broadcasts in the Estonian language and not less than $75,000 was to be available solely to initiate broadcasts in the Latvian language, and extended from fiscal year 1975 to fiscal year 1976 authorization for additional or supplemental amounts.

1974—Subsec. (a). Pub. L. 93–392 substituted provisions authorizing appropriations of $49,990,000 for fiscal year 1975, of which not less than $75,000 shall be available solely to initiate broadcasts in the Estonian language and not less than $75,000 shall be available solely to initiate broadcasts in the Latvian language, for provisions authorizing appropriations of $49,990,000 for fiscal year 1974, and extended from fiscal year 1974 to fiscal year 1975 authorization for additional or supplemental amounts.

Chapter 44.—JAPAN-UNITED STATES FRIENDSHIP [NEW]

Sec.
2901. Congressional statement of findings and declaration of purpose.
2902. Japan-United States Friendship Trust Fund.
(a) Establishment.
(b) Use of amounts in Fund for promotion of scholarly, cultural, and artistic activities between Japan and United States.
(c) Use of amounts in Fund for administrative expenses of Japan-United States Friendship Commission.
(d) Authorization of appropriations; source of amounts.
(e) Additional authorization of appropirations; source of amounts; subsequent use of unappropriated portion of amounts authorized to be appropriated.
2903. Japan-United States Friendship Commission.
(a) Establishment; composition.
(b) Compensation and travel expenses.
(c) Chairman; quorum; meetings.
2904. Same; functions.
2905. Same; administrative powers.
2906. Management of the Friendship Trust Fund.
(a) Constituent amounts.
(b) Investments by Secretary of Treasury in authorized obligations; issuance of obligations and special obligations; conditions of acquisition:
(c) Sale of obligations; redemption of special obligations.
(d) Credit to Fund of interest on, and proceeds from sale or redemption of, any obligations held in Fund.
(e) Payments for implementation of programs and necessary expenses of Commission; appropriation of amounts; exceptions.

§ 2901. Congressional statement of findings and declaration of purpose.

(a) The Congress hereby finds that—

(1) the post-World War II evolution of the relationship between Japan and the United States to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(2) the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971, is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this chapter to provide for the use of an amount equal to a part of the total sum payable by Japan to the United States in connection with the reversion of Okinawa to Japanese administration and the remaining funds of the amount set aside in 1962 for educational and cultural exchange with Japan (known as the G.A.R.I.O.A. Account) to aid education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interests between the United States and Japan. (Pub. L. 94–118, § 2, Oct. 20, 1975, 89 Stat. 603.)

SHORT TITLE

Section 1 of Pub. L. 94–118 provided: "That this Act [enacting this chapter] may be cited as the 'Japan-United States Friendship Act'."

§ 2902. Japan-United States Friendship Trust Fund.

(a) Establishment.

There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter rereferred to as the "Fund").

(b) Use of amounts in Fund for promotion of scholarly, cultural, and artistic activities between Japan and United States.

Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and publications in appropriate libraries located throughout the United States and similar support for collections of American books and publications in appropriate libraries located throughout Japan;

(3) support for programs in the arts in association with appropriate institutions in Japan and the United States;

(4) support for fellowships and scholarships at the graduate and faculty levels in Japan and the United States in accord with the purposes of this chapter;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States cultural and educational activities consistent with the purposes of this chapter.

(c) Use of amounts in Fund for administrative expenses of Japan-United States Friendship Commission.

Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by section 2903 of this title, as directed by that Commission.

(d) Authorization of appropriations; source of amounts.

There is authorized to be appropriated to the Fund, for fiscal year 1976, an amount equal to 7.5 per centum of the total funds payable to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 17, 1971.

(e) Additional authorization of appropriations; source of amounts; subsequent use of unappropriated portion of amounts authorized to be appropriated.

(1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T. 1957; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account.

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year. (Pub. L. 94–118, § 3, Oct. 20, 1975, 89 Stat. 604.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2904 to 2906 of this title.

§ 2903. Japan-United States Friendship Commission.

(a) Establishment; composition.

There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the members of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation;

(2) two Members of the House of Representatives, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the Speaker of the House of Representatives;

(3) two Members of the Senate, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the President pro tempore of the Senate;

(4) the Chairman of the National Endowment for the Arts; and

(5) the Chairman of the National Endowment for the Humanities.

(b) Compensation and travel expenses.

Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of Title 5, including traveltime; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons in Government service employed intermittently.

(c) Chairman; quorum; meetings.

The Chairman of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation shall be the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year. (Pub. L. 94–118, § 4, Oct. 20, 1975, 89 Stat. 604.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2902 of this title.

§ 2904. Same; functions.

(a) The Commission is authorized to—

(1) develop and carry out programs at public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States consistent with the provisions of section 2902(b) of this title; and

(2) make grants to carry out such programs.

(b) The Commission shall submit to the President and to the Congress an annual report of its activities under this chapter together with such recommendations as the Commission determines appropriate. (Pub. L. 94–118, § 5, Oct. 20, 1975, 89 Stat. 605.)

§ 2905. Same; administrative powers.

In order. to carry out its functions under this chapter, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this chapter; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this chapter, and any such donation shall be exempt from any Federal income, State, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condiiton or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, State, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund and not to exceed 5 per centum annually of the principal of the Fund to carry out the purposes of this chapter, including the payment of Commission expenses if needed, except that any amounts expended from amounts appropriated to the Fund under section 2902(e)(1) of this title shall be expended in Japan;

(5) appoint an Executive Director, without regard to the provisions of Title 5 governing appointments in the competitive service, who shall be compensated at the rate provided for a GS–18 of the General Schedule of such title;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of Title 5, at rates for individuals not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of Title 5;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of Title 5;

(8) enter into contracts, grants, or other arrangements, or modifications thereof;

(9) make advances, progress, and other payments which the Commission deems necessary under this chapter; and

(10) obtain from the Secretary of State, on a reimbursable basis, such administrative support services and personnel as the Commission deems necessary and appropriate to its needs.

(Pub. L. 94–118, § 6, Oct. 20, 1975, 89 Stat. 605.)

REFERENCES IN TEXT

GS–18 of the General Schedule of such title referred to in par. (5), is set out in section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2906 of this title.

§ 2906. Management of the Friendship Trust Fund.

(a) Constituent amounts.

The Fund shall consist of—

(1) amounts appropriated under sections 2902(d) and (e)(1) of this title;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) Investments by Secretary of Treasury in authorized obligations; issuance of obligations and special obligations; conditions of acquisition.

It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as is not, in the judgment of the Commission, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Sale of obligations; redemption of special obligations.

Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) Credit to Fund of interest on, and proceeds from sale or redemption of, any obligations held in Fund.

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) Payments for implementation of programs and necessary expenses of Commission; appropriation of amounts; exceptions.

In accordance with section 2905(4) of this title, the Secretary shall pay out of the Fund such amounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this chapter; except that amounts in the Fund, other than amounts which have been appropriated and amounts received by the Commission pursuant to sections 2905(2) and (3) of this title, shall be subject to the appropriation process. (Pub. L. 94–118, § 7, Oct. 20, 1975, 89 Stat. 606.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (b), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764, former section 765, and sections 766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.